

TITLE: Child Protection and Welfare Policy and Procedures	REFERENCE NO: SS 3.15
AUTHOR (OWNER): Reach Deaf Services	REVISION NO: 3
APPROVED BY (LEAD): Acting CEO	EFFECTIVE FROM: 03.03.2023
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Reach Deaf Services

Child Protection and Welfare Policy and Procedures

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1.0 Policy Statement

This is the Child Protection and Welfare Policy of Reach Deaf Services. 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.

Reach Deaf Services is committed to the protection and welfare of children. The Boarding Campuses provides care for young Deaf students of school going age who attend The Holy Family School for the Deaf. Some children have additional needs such as a specific disability or condition. Some children may attend Boarding while also residing in a residential care service or with a foster family. A 'home away from home' environment is provided, where educational, emotional, and social development is supported. Boarding Services are offered from Sunday to Friday and in line with the school calendar. Transport escorts are provided for those who commute long distances on public transport from all four corners of Ireland.

2.0 Policy Purpose

2.1 The purpose of this policy is to provide guidance on the protection of children from abuse, those children who avail of Reach Deaf Services boarding service and to outline the procedures for reporting and managing concerns, suspicion or knowledge of abuse.

2.2 In accordance with *Children First: National Guidance for the Protection and Welfare of Children*, Reach Deaf Services 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 inside and 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. Reach Deaf Services 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/children in their care unless to do so would place the children concerned at further risk as outlined in this policy.

3.0 Policy Scope

3.1 People working on behalf of Reach Deaf Services, including employees, contractors, students, and Board members are required to adhere to this policy.

3.2 This policy relates only to those who are under the age of 18 years of age. Some of the young adults availing of the Boarding service 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*. Please refer to Reach Deaf Services 'Safeguarding and Responding to Allegations of Abuse of Abuse (Adult Policy)'.

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4.0 Legislation/other related PPG's

- 4.1** This policy was 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.
- 4.2** This policy should be read in conjunction with the *Reach Deaf Services Employee Handbook* and other service policies and procedures such:
- Well-being and Specialist Support Policy
 - Behaviour Support Policy
 - Restrictive Practices Policy
 - Risk Management Policy
 - Risk Assessment and Management Policy
 - Safeguarding and Responding to Allegations of Abuse of Abuse Policy
 - Anti-Bullying Policy
 - Complaints Policy
 - Concerned Absence Policy
 - Helping Young People to Stay Safe Online Policy
 - Working with Young People Online Policy
 - Incident Management Policy
- 4.3** Reach Deaf Services ensures proper arrangements for the care of the children on the campus and when taken off-campus by Reach Deaf Services staff, as set out in the operational policies of Reach Deaf Services (*Activities and Outings Policy*).
- 4.4** This policy sits alongside the *Child Protection Policy* of the Holy Family School for the Deaf. An appropriate information sharing protocol is in place between Reach Deaf Services and Holy Family School to ensure seamless child protection procedures apply across the school and boarding campus (see Addendum).
- 4.5** 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 Reach Deaf Services 'Whistle-blower Policy' covers such situations and is designed to ensure that those who raise such concerns will not suffer adverse consequences for doing so.
- 4.6** The *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012*. Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. The provisions of the

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

4.7 The Protection for Persons Reporting Child Abuse Act 1998. This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardai as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

4.8 The HSE Trust in Care Policy. This is a HSE policy on upholding the dignity and welfare of service users and the procedure for managing allegations of abuse against staff members. Reach Deaf Services will invoke this policy where an allegation of abuse against a staff member is made.

4.9 Other Legislation/PPG's noted throughout this policy.

5.0 Glossary of Terms and Definitions

5.1 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. Thus, the term 'young Deaf person' refers to a child who is Deaf or Hard of Hearing.

5.2 Harm: Where the word "harm" is used in this policy and in relation to a child it should be taken to include:

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

OR

-Sexual abuse, whether caused by a single act, omission, or circumstance or a series or combination of acts, omissions, or circumstances, or otherwise (*Children First Act, 2015*).

It should be noted that this is the legal definition from the Children First Act 2015 and this definition is limited and only relates to the threshold for mandated persons to make mandated reports.

A disclosure from a child that they believe they have been harmed must be reported to Tusla.

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5.3 Definition of a child protection concern: *Children First National Guidance for the Protection and Welfare of Children (2017)* 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."

5.4 Types of abuse and how they may be recognised

5.4.1 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.

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

5.4.2 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.

5.4.3 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

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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.

5.4.4. 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

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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. 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 for a mandated person to make a mandated report of sexual activity between young people where all the following criteria apply:

- Either or both young persons are 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 these conditions apply in a particular situation may be difficult to determine. The advice and support of Tusla or the diocesan CSPA, on an anonymous basis, may need to be sought (without, at that point, identifying the young people involved). The views of parents are taken into account although not a deciding factor when making a report. The decision should be made by the mandated person in consultation with senior staff and the advice of the civil authorities may be sought.

All staff should be mindful of The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. Please refer to section 4.6 of this policy for more information.

A disclosure from a child that they believe they have been harmed must be reported to Tusla.

5.4.5 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,

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- 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 Tusla on whether or not the situation requires formal notification and on any action that needs to be taken in relation to the situation.

5.5 See Appendix 2 re: reasonable grounds for concern.

6.0 Roles and Responsibilities

Note: Every person who works for, or on behalf of, Reach Deaf Services has a responsibility for the protection and welfare of children.

6.1 Reach Deaf Services has appointed the CEO as having overall responsibility for the protection and welfare of children in Reach Deaf Services. The CEO reports to the Board of Reach Deaf Services on child protection matters at each Board Meeting. The CEO maintains regular contact with the Chair and alerts the Chair to any issues of concern in accordance with the requirements of good governance. It is also 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 Reach Deaf Services services. Note: Additional responsibilities may be listed in other sections of this policy.

6.2 The Head of Care is the Designated Liaison Person (DLP) for Reach Deaf Services. All concerns for the protection and welfare of children within Reach Deaf Services must be reported to the DLP without delay. The DLP holds the following responsibilities. Those which feature a * symbol indicate that other staff may also be responsible for these areas: decision regarding who is responsible will be made on a case-by-case basis:

6.2.1 Inform the CEO of any concerns. The Designated Liaison Person will maintain records of activity relating to the welfare and protection of children and will provide an update to the CEO every 6 weeks or more frequently if there are concerns in a specific area. The Board will be provided with updates at each Board Meeting of same and will review in terms of service compliance with policy. The CEO may ask for the Designated Liaison Person to provide updates at the Safeguarding Committee, DLP Meetings, and Board Meetings.

6.2.2 Complete the Children First Self-Assessment Tool.

6.2.3 Ensure an up to date list of Mandated Persons is maintained.

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6.2.4 Ensure this policy is reviewed every two years or sooner if required.

6.2.5 Identify any additional policies/ procedures that may be required to ensure a safe environment for Boarders.

6.2.6 Develop relevant risk assessments, and review and update them as required. The review process must inform whether adequate precautions have been taken to eliminate or reduce these risks.

6.2.7 Ensure the Safeguarding Statement is reviewed every two years or sooner if required, and ensure it is displayed in a prominent location in the Boarding Campuses and on the service website

6.2.8 Conduct such preliminary enquiries as are required to determine whether a concern reaches the threshold for reporting to the civil authorities (having consulted with other staff as appropriate).

6.2.9 The DLP may decide against notification of a concern reported to them. 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.

6.2.10 * The Head of Care may decide to seek Tusla's advice regarding how to inform parents of a report being submitted to Tusla, and the information to inform the parents of.

6.2.11 * 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.

6.2.12 * Report concerns to Tusla without delay using the electronic reporting form.

6.2.13 * Make a joint report with the mandated person where the mandated person has received the information in the first instance and requests for a joint report to be submitted.

6.2.14 * Report to An Garda Síochána information that a person may have committed a serious offence against a child.

6.2.15 * Draw up a Risk Assessment to minimise risk to the child in question, in consultation with care staff and other staff (as appropriate). Inform Tusla of the risk and invite feedback on its adequacy.

6.2.16 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.

6.2.17 * Consider whether there are implications for the safety of other children within the Boarding Campus and, if so, take appropriate protective measures.

6.2.18 Act as a liaison person with outside agencies and a resource person to any staff member who has a child protection concern(s). The DLP must assist with any Tusla or An Garda Síochána assessment or investigation.

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6.2.19 *Ensure staff knowledge and compliance with this policy and monitor and advise on any issues affecting the implementation of this policy. Ensure staff have signed the policy to confirm they read it/accessed ISL version and understand it. The DLP is responsible for ensuring an ISL version of this policy is made available.

6.2.20 Be knowledgeable about child protection and undertake training to keep updated on new developments.

6.2.21 *Ensure staff complete the required training and within the required timeframe.

6.2.22 The DLP should also raise awareness of child protection and issues through staff supervision, support, and advice.

6.2.23 Ensure that proper records of child protection concerns and how they were addressed are created, maintained and stored in accordance with best practice.

6.2.24 The Head of Care also acts as the **Relevant Person** for Reach Deaf Services. 'Relevant Person' means a person who is appointed by a provider of a Relevant Service to be the first point of contact in respect of the Child Safeguarding Statement.

Note: Additional responsibilities may be listed in other sections of this policy.

6.3 The Care Manager (Ashling Donegan) is the Deputy DLP for the Boarding Campuses and can act for the DLP in the DLP's absence. In doing so, the Care Manager completes the DLP responsibilities in their absence- see section above. The Care Manager, however, reports to the DLP on their return. When the DLP is not absent, the Care Manager still holds a significant role in child protection and welfare and is responsible for the following duties. Those which feature a * symbol indicate that other staff may also be responsible for these areas- decision regarding who is responsible will be made on a case-by-case basis:

6.3.1* The Care Manager(s) may decide to seek Tusla's advice regarding how to inform parents of a report being submitted to Tusla, and the information to inform the parents of.

6.3.2 *Inform the parents of the child concerned that a concern is being reported to the civil authorities unless to do so would place the child at risk of harm/ further abuse.

6.3.3 *Report the concern to Tusla without delay using the electronic reporting form.

6.3.4 *Make a joint report with the mandated person where the mandated person has received the information in the first instance and requests for a joint report to be submitted.

6.3.5 *Report to An Garda Síochána information that a person may have committed a serious offence against a child.

6.3.6 *Draw up a Risk Assessment to minimise risk to the child in question. In consultation with care staff and other staff (as appropriate). Inform Tusla of the risk and invite feedback on its adequacy.

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6.3.7 *Consider whether there are implications for the safety of other children within the Boarding Campus and, if so, take appropriate protective measures.

6.3.8 *Ensure staff knowledge and compliance with this policy and monitor and advise on any issues affecting the implementation of this policy. Ensure staff have signed the policy to confirm they read it/accessed ISL version and understand it.

6.3.9 Be knowledgeable about child protection and undertake training to keep updated on new developments.

6.3.10 *Ensure staff complete the required training and within the required timeframe.

6.3.11 The Care Manager should also raise awareness of child protection and issues through staff supervision, support, and advice.

6.3.12 Ensure that proper records of child protection concerns and how they were addressed are created, maintained and stored in accordance with best practice.

6.3.13 Ensure the Safeguarding Statement is circulated to all staff, parents and relevant others.

6.3.14 Identify any additional policies/ procedures that may be required to ensure a safe environment for Boarders.

Note: Additional responsibilities may be listed in other sections of this policy.

6.4 Team Leaders

6.4.1 Team Leaders hold a significant role in child protection and welfare and are responsible for the following duties. Those which feature a * symbol indicate that other staff may also be responsible for these areas- decision regarding who is responsible will be made on a case-by-case basis:

6.4.2 * A Team Leader may decide to seek Tusla's advice regarding how to inform parents of a report being submitted to Tusla, and the information to inform the parents of.

6.4.3 *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.

6.4.4 *Report the concern to Tusla without delay using the electronic reporting form.

6.4.5 *Make a joint report with the mandated person where the mandated person has received the information in the first instance and requests for a joint report to be submitted.

6.4.6 *Report to An Garda Síochána information that a person may have committed a serious offence against a child.

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6.4.7 *Draw up a Risk Assessment to minimise risk to the child in question, in consultation with care staff and other staff (as appropriate). Inform Tusla of the risk and invite feedback on its adequacy.

6.4.8 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.

6.4.9 *Consider whether there are implications for the safety of other children within the Boarding Campus and, if so, take appropriate protective measures.

6.4.10 Act as a liaison person with outside agencies and a resource person to any staff member who has child protection concerns.

6.4.11 *Ensure staff knowledge and compliance with this policy and monitor and advise on any issues affecting the implementation of this policy. Ensure staff have signed the policy to confirm they read it/accessed ISL version and understand it.

6.4.12 Ensure that people who use the service and their family are informed of this policy and that it is available upon request.

6.4.13 Be knowledgeable about child protection and undertake training to keep updated on new developments.

6.4.14 *Ensure staff complete the required training and within the required timeframe.

6.4.15 Team Leaders should raise awareness of child protection and issues through staff supervision, support, and advice.

6.4.16 Ensure that proper records of child protection concern and how they were addressed are created, maintained and stored in accordance with best practice.

6.4.17 Identify any additional policies/ procedures that may be required to ensure a safe environment for Boarders.

Note: Additional responsibilities may be listed in other sections of this policy.

6.5 Mandated Persons

6.5.1 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. Many of those employed by Reach Deaf Services are mandated persons such as Social Care Staff, Nursing staff & Care Managers. It should be noted that:

6.5.2 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

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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. It is important to note that where the threshold of harm is neither reached or exceeded, mandated persons can still make non-mandated reports under the Children First National Guidance for the Protection and Welfare of Children (2017) i.e. where there are reasonable grounds for concern. A disclosure from a child that they believe they have been harmed must be reported to Tusla.

6.5.3 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. A disclosure from a child that they believe they have been harmed must be reported to Tusla.

6.5.4 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 seventeen and sexual intercourse below that age is against the law. There is no requirement for a mandated person to make a mandated report of sexual activity between young people where all the following criteria apply:

- Either or both young persons are 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 these conditions apply in a particular situation may be difficult to determine. The advice and support of Tusla or the diocesan CSPS, on an anonymous basis, may need to be sought (without, at that point, identifying the young people involved). The views of parents are taken into account although not a deciding factor when making a report. The decision should be made by the mandated person in consultation with senior staff and the advice of the civil authorities may be sought.

All staff should be mindful of The Criminal Justice (Withholding of information on Offences against Children and Vulnerable Persons) Act 2012. Please refer to section 4.6 of this policy for more information.

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6.5.5 All concerns for the protection and welfare of children within Reach Deaf Services must be reported without delay to the DLP.

6.5.6 Joint reporting can take place. However, where a social care worker, for example, comes across a child protection concern that reaches the threshold described below, their legal obligation is not discharged if this is reported to Tusla by another person such as the DLP. In this instance a joint notification should be sent in the name of both the social care worker and the second staff member (Team Leader, Care Manager, or DLP) who is engaging in the joint reporting process if the issue relates to Reach Deaf Services.

6.5.7 In order to ensure the safety of the child concerned and to ensure the child receives the support they require, some sharing of information about this matter with colleagues within Reach Deaf Services is likely to be required. A decision will 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 Reach Deaf Services and with the civil authorities, and noted on the child's file. In such matters the safety and protection of the child is the primary consideration.

6.5.8 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 National Guidance for the Protection and Welfare of Children (2017)*.
- 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.

6.5.9 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. 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.

6.5.10 Reach Deaf Services requires all of those who work for Reach Deaf Services whether as employees 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*.

6.5.11 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.

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6.5.12 See section below regarding the responsibilities of all staff.

6.5.13 Note: Additional responsibilities may be listed in other sections of this policy.

6.6 The **Safeguarding, Protection, and Welfare Committee** is a Committee of the Board of Reach Deaf Services. The Board appoints the members of this Committee. It is comprised of some members of the Board, the CEO, the DLP and other persons the Board determines 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 the Safeguarding Policy. This responsibility rests with the CEO, DLP and those who work for Reach Deaf Services in the Boarding Campus, chaplaincy and other services.

6.7 The **DLP Meetings** facilitate the DLPs for Holy Family School for the Deaf and the Boarding Services to meet with representatives of the diocesan Child Safeguarding and Protection Service (CSPS) on a regular (3 times annually) collaborative basis to discuss child protection and welfare issues that arise in the course of their work with the children who attend the schools on the Campus and reside in the Boarding Campus.

6.8 Every person who works for or on behalf of Reach Deaf Services 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 they have done so.
- behave in accordance with the policy.
- attend Reach Deaf Services safeguarding and protection training (in addition to any training required by the HSE), which will be delivered on a two-year cycle to include a full one-day refresher training in relation to specific areas of safeguarding, as determined by the DLP.
- Be knowledgeable regarding the services Child Safeguarding Statement.
- Be knowledgeable regarding Children First National Guidance (2017) and relevant Tusla Reporting guidance.
- Be knowledgeable regarding their responsibilities and particularly the responsibilities of a mandated person if they fall within that category.
- attend workshops delivered by Reach Deaf Services throughout the year to keep staff up to date with legislation, refreshed on reporting structures and signs of abuse and in response to any issues that may arise during the year. All mandatory training will be reviewed on an annual basis with a focus on ensuring that all training will be appropriately adapted to include Deaf culture and ISL.

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Complete Children First online training provided by Tusla every two years.

Complete HSE Safeguarding Training every three years.

- Attend an annual Trust in Care Workshop.
- Report any concerns that they have for the protection and welfare of children to their line manager or directly 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.
- There may be a variety of reasons why a member of staff would choose to by-pass 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 Síochána. This should be reported as soon as possible to the DLP.
- A staff member 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 Reach Deaf Services 'Whistle-blower Policy' covers such situations and is designed to ensure that those who raise such concerns will not suffer adverse consequences for doing so.
- Provide any necessary assistance to Tusla and An Garda Síochána in their assessment of a child protection and welfare of children.
- Safeguard children and support families/guardians as relevant to their role.

Note: Additional responsibilities may be listed in other sections of this policy.

7.0 Procedures (Note: This section includes a procedure on historical allegations. In terms of adult safeguarding, refer to Reach Deaf Services Safeguarding and Responding to Allegations of Abuse of Abuse Policy)

7.1 Procedure to follow when staff have reasonable suspicion, or witness, or receive an allegation of abuse from a child:

7.1.1 In any situation where there is a concern, suspected or confirmation of abuse, Reach Deaf Services' primary concern will be the safety and well-being of the child accessing the service.

7.1.2 Reach Deaf Services acknowledges that the rights of all individuals involved in an abusive situation should be protected, including the rights of an alleged abuser.

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7.1.3 Reach Deaf Services will endeavour to deal with all allegations of abuse in confidence and information will only be shared on a need-to-know basis, in the interests of the child. Giving information to others for the protection of a child is not a breach of confidentiality.

7.1.4 Reach Deaf Services will maintain a database of reported suspicions/allegations of abuse to enable the service to effectively manage and learn from such incidents. A report on ongoing and closed cases is submitted to the Board at each Board meeting.

7.1.5 When responding to a disclosure from a child, staff should:

- Remain calm and take a sympathetic, non-reactive view. Keep in mind that the child has chosen to disclose this information to a person they have come to trust.
- 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:
 - You understand that they came to you because they trust you;
 - You will be sharing this information only with people who understand this area and who can help. Explain to the child that you cannot give a guarantee of complete confidentiality and that you have a professional duty to share the information with your Line manager or other appropriate senior persons, as soon as possible.
 - 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 they may decide not to disclose that they have been abused, there and then. This is preferable to lack of candour with the child which will undermine their confidence in the adults who are caring for them. By being honest with a child it is more likely that they will return to the matter at another time.
- Support the child to communicate, to the best of their ability, using the appropriate communication e.g. use of ISL and or interpreters where required.
- 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 they wish or are able to.
- Allow the child to disclose at his or her own pace and in their own words.
- Conceal any signs of disgust, anger or disbelief.
- Ask questions only for the purpose of clarification. Leading questions, 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 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

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please, reassure the child that they have done the right thing by disclosing the abuse and that the attitude of Reach Deaf Services 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 them 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, record the disclosure in a factual manner using, as far as possible, the exact words used by the child. Write as accurate an account of what the child says, using the word of the child, where possible. The support of an interpreter may be required to do this. Date and sign all documentation.
 - 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.
 - Do not discuss the matter with other staff members, without the permission of the relevant line manager.
- 7.1.6** Staff must take immediate actions to ensure the immediate safety of the child concerned. Where relevant, they will work with the line manager to assess the need for medical intervention and preserve any evidence.
- 7.1.7** Without delay and before going off shift, staff should report the suspicion/allegation to the line manager or Designated Liaison Person.
- 7.1.8** The DLP will provide support in terms of deciding if there are reasonable suspicion of abuse or not.
- 7.1.9** The staff member may also choose report immediately and directly to the statutory authorities, if they feel it is in the best interest of the child to do so. There may be a variety of reasons why a member of staff would choose to by-pass the normal reporting channels and immediately report directly to the civil authorities. It may be, for example, in a situation outside of the DLP/DDLP's normal working hours or where there is an immediate threat to a child's safety the most appropriate intervention is to call An Garda Síochána/Tusla. As noted above, this should be reported as soon as possible to the DLP.
- 7.1.10** If a staff member is in doubt about whether a concern meets the reporting threshold, staff can also contact Tusla to seek advice without sharing any confidential information. Note allegations against a person who is deceased should be reported to Tusla.

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- 7.1.11** The parents/guardians of a child about whom an alleged offence is being reported to the Garda/Tusla should be informed unless to do so would expose the child to the risk of harm/further abuse. See specific section in this policy regarding reporting to An Garda Síochána. Guidance can be sought from Tusla regarding how to inform parents/guardians and what information to share with them. If reporting directly to the authorities, the staff member must inform the DLP of this and ensure the relevant notification forms are completed without delay.
- 7.1.12** As noted above, 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 Reach Deaf Services 'Whistle-blower Policy' covers such situations and is designed to ensure that those who raise such concerns will not suffer adverse consequences for doing so.
- 7.1.13** The Designated Liaison Person, in consultation with the DDLP, will assist the staff member who raised the concern to decide if there is a reasonable suspicion of abuse-See **Appendix 2**. In some situations, further assistance to determine this may be needed. In such cases assistance should be sought externally from Tusla. The Tusla Duty Social Worker is the most appropriate service to offer advice in this regard. The Diocesan Child Safeguarding and Protection Service (CSPS) is also available to offer advice and assistance.
- 7.1.14** If there is no reasonable suspicion of abuse the Designated Liaison Person (in consultation with the DDLP) will decide if any further action is required e.g. investigate as a complaint, carry out a risk assessment etc. 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.
- 7.1.15** If there is a reasonable suspicion of abuse: Guidance may be sought from Tusla regarding how to inform parents/guardians and what information to share with them. This guidance could then guide the process of informing parents/guardians. The Designated Liaison Person will then ensure that a Tusla Report is submitted without delay by the relevant staff member. Tusla's preferred method for receiving reports is through the Tusla online portal. This is the fastest and most secure method for making reports and can be used for Child Protection and Welfare Report Forms and Retrospective Abuse Report Forms (<https://www.tusla.ie/children-first/web-portal/>). The report that is sent electronically should be printed off for retention on the child's file. The staff member who submitted the report must ensure they receive an acknowledgement of receipt of the report. If the matter is urgent, Tusla can be contacted in advance of submitting the form, but it must be submitted within three working days.

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- 7.1.16 The CEO will be informed by the DLP/DDLP that a report is being made and relevant information will be shared with the CEO such as where there is allegation made against a staff member.
- 7.1.17 An Garda Síochána will be informed where appropriate to do so- see section in this policy regarding informing An Garda Síochána.
- 7.1.18 A Risk Assessment may be devised by the Keyworker/Team Leader/Care Manager/Head of Care to minimise the risk to the child in question in consultation with care staff and other staff (as appropriate). Tusla will be informed of the risk assessment and be invited to provide feedback on its adequacy.
- 7.1.19 The need for further safety measures (once the outcome of the Tusla assessment and/ or Garda investigation is known) will be assessed by the Care Manager and Head of Care and these will need to be implemented.
- 7.1.20 Consideration should be given by the DLP/DDLP as to whether there are implications for the safety of other children within the boarding campus and, if so, appropriate protective measures should be taken. In terms of any possible implications for the safety of any children within the school, relevant information will be shared with the school as per the agreed information sharing process.
- 7.1.21 Relevant staff members will act as liaison persons with outside agencies and a resource person to any staff member who has child protection concerns. The DLP will assist with any Tusla or An Garda Síochána assessment or investigation.
- 7.1.22 Proper records of child protection concerns and how they were addressed should be created, maintained and stored in accordance with best practice, and by the Team Leaders, the DDLP and the DLP.
- 7.1.23 The DLP will ensure the HSE Trust in Care Policy is initiated, if deemed relevant i.e. Reach Deaf Services will invoke the HSE Trust in Care policy where an allegation of abuse against a staff member is made.
- 7.1.24 Where a reasonable ground for concern exists and where appropriate, Reach Deaf Services will initiate investigation procedures. These processes will be secondary to any criminal process that may need to take place.

7.2 Procedure for reporting to An Garda Síochána

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7.2.1 Tusla and An Garda Síochána operate a Joint Working Protocol. Tusla can advise staff if they will be reporting a case to An Garda Síochána. Where Tusla decide not to report to An Garda Síochána and where staff have a concern regarding the immediate well-being of a child, the staff member should contact An Garda Síochána regarding their concern. This may also apply to situations where staff members cannot reach a senior member of staff/Tusla for advice. Information that a person may have committed a **serious** offence against a child must be reported to the Garda 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.

7.2.2 Offences alleged to have been committed on the Reach Deaf Services Campus should be reported to Cabra Garda Station- **See Appendix 1**.

7.2.3 Alleged offences **not** committed on the Reach Deaf Services campus should be reported to the Garda station covering the area in which the offence is alleged to have occurred/a child's home address if the allegation is

7.2.4 Advice can be sought from the Tusla Liaison Sergeant in Blanchardstown Garda Station.

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

7.3 Procedure for Anonymous Allegations

7.3.1 Where an anonymous allegation of abuse is received, Reach Deaf Services will take appropriate action to ensure the safety and welfare of the individual concerned.

7.3.2 All anonymous allegations of child abuse must be assessed and reported to TUSLA, regardless of the source or date of occurrence and must have happened when the alleged victim was under the age of eighteen.

7.3.3 The quality and nature of information available in anonymous allegations may impact on the capacity to assess and respond appropriately. Critical issues for consideration include:

- The significance/seriousness of the concern/complaint.
- The potential to obtain independent information.
- Potential for ongoing risk.

7.4 Procedure for Historical Allegations

Adult safe

7.4.1 The reporting requirements under the Children First Act 2015 apply only to information that mandated persons received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if there is a

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reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla.

7.4.2 All historical concerns or allegations of child abuse must be assessed and reported to TUSLA, regardless of the source or date of occurrence and must have happened when the alleged victim was under the age of eighteen.

7.4.3 It is important to be aware that any person, who is identified in any complaint, whether historic or current, made anonymously or otherwise, has a right to be made aware of the information received by the appropriate authorities *if they are still employed or still availing of the service*. This will happen only with the consent of An Garda Síochána where a criminal investigation is taking place.

7.4.4 Where an allegation of abuse is made against an ex-employee or a person who is no longer availing of the service, they will be contacted directly by the relevant authorities.

7.4.5 Please see link below for more details:

https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

7.5 Procedure for Dealing with Bullying and Peer Abuse

7.5.1 Bullying is defined as repeated acts of physical, verbal or psychological aggression. Reach Deaf Services 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.

7.5.2 Reach Deaf Services promotes a culture of openness that encourages children to express their concerns and worries. Children 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 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.

7.5.3 When issues of victimisation of particular children arise, these are addressed with the children 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 child 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 child who is victimised is offered immediate support. They are assured they are not to blame for what has or is happening and that concrete steps will be taken to address the issue.

7.5.4 In any situation where a child is physically or sexually assaulted by another child, 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

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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.

7.5.5 A sexual assault is always reported to An Garda Síochána.

7.5.6 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.

7.5.7 Where one child 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 Reach Deaf Services 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 Reach Deaf Services has done in terms of notification/ reporting.

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

7.5.9 Reach Deaf Services may conclude that it cannot discharge its responsibility for the safety and protection of all of the children in the Boarding Campus by continuing to provide a service to a child who consistently harms other children. 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 Reach Deaf Services will be sought.

7.5.10 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, Reach Deaf Services will work with the parents/guardians and other professionals involved to identify a suitable alternative service for the child.

7.6 Procedure for Information Sharing and Confidentiality

7.6.1 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. Reach Deaf Services will cooperate with Tusla on the sharing of records where this is a child welfare or protection issue.

7.6.2 Reach Deaf Services recognises the importance of ensuring every person's right to confidentiality and is committed to keeping confidential all personal information as far as this is

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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.

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

7.6.4 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.

7.6.5 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.

7.6.6 In order to provide for the protection and welfare of the children availing of services provided by Reach Deaf Services 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 Reach Deaf Services 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 teacher's information that they each need to know in order to care for and protect the children for whom they share a responsibility. Please see further relevant information below:

- 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 Reach Deaf Services 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 Reach Deaf Services are notified by the Head of Care, both acting as DLPs for their respective organisations. Where they are sending notifications that relate to children who attend the school and live on the Reach Deaf Services Boarding Campus, they alert each other that they are doing so, taking account of data protection requirements outlined in this policy.

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- The School Principal and Deputy Principal, the CEO, Head of Care and Care Manager(s) of Reach Deaf Services and a representative of the Child Safeguarding and Protection Service of the Archdiocese of Dublin are part of DLP Meetings. These meetings are not a mechanism for reporting child protection concerns or adult safeguarding concerns, or for exchange of information about such concerns between the School and Boarding. At the meetings, boarders and school pupils are discussed in compliance with GDPR obligations and no identifying information is shared with the Child Safeguarding and Protection Service. Please refer to the DLP Meeting Terms of Reference for further information. The parents of the children attending Holy Family School for the Deaf and Boarding on the Reach Deaf Services campus sign a Sharing of Information Form. This form advises of the information sharing arrangements between boarding and school including an explanation relating to how such information may be processed on a basis other than consent in relation to the protection and welfare of their children and the sharing of relevant information between teaching and care staff. For the purposes of clarity, for Boarders who are aged 18 years of age or older, the same advice should be given, that there are sharing of information agreements in place between the boarding and school, but consent is sought from them for the sharing of relevant information about them with others, including parents. Records of these notifications should be kept by both the Boarding and School.

7.7 Procedure for Data Protection and Record Keeping:

7.7.1 Reach Deaf Services works within the data protection regulations and legislation, including compliance with the principles of GDPR and our obligations in relation to how we process data. While the right to privacy is a fundamental right, the regulation acknowledges the place of other legal obligations when they appear to run contrary to the GDPR. In situations, where a legal obligation exists to share data with another party, such as in a safeguarding matter, proportionate sharing with the appropriate individuals is permissible under the GDPR. It is also important to note that GDPR allows for a number of legal bases under which personal data can be processed. Consent is one such legal basis, but this is not the only basis that we use for processing personal data at Reach Deaf Services.

7.7.2 Circumstances where we process personal data without consent include processing data in the legitimate interests of Reach Deaf Services as a service provider to members of the Deaf community. As the processing is taking place with a lawful basis other than the consent of the data subject, this also means that where we have a legal obligation to share the personal data, such as when reporting a safeguarding concern, the consent of the data subjects will not be required. Having said that, in adhering to the principles of the GDPR, we will, as far as is possible, practical, and appropriate, communicate with the data subject around such matters, except where to do so would place an individual in danger, or potential danger.

7.7.3 Clear, accurate and detailed recording of information and observations is essential. Confidential documents should be clearly and specifically marked as such. Facts should be distinguished from professional opinions and observations. The source of all information should be clearly recorded. Records may be requested under the Freedom of Information

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Act and/or subpoenaed to court. Recording should be contemporaneous and kept up to date. While the case is active, records should be securely stored in a way that they are easily retrievable, at short notice.

7.7.4 The manual records of Reach Deaf Services that contain personal information are stored in secure, locked fireproof cabinets, in locked storage rooms, or at an off-site specialised archival service provider. Records can only be accessed by members of staff. Computer records are stored on our servers or on a secure cloud-based service that has been deemed to be compliant with GDPR.

7.7.5 Access to these documents is restricted as necessary, with staff only able to access the documents that are applicable to the work that they are doing. Our IT system requires individuals to login using their own personalised credentials, this allows documents to be kept secure, password protected, and encrypted.

7.7.6 Records relating to child protection concerns are retained in perpetuity, in line with the guidance from the HSE around retention of records. Other records are retained for varying periods of time, however temporary records that have served their purpose, and other records that have been retained for the appropriate period of time, will be removed once they are no longer required for the purpose for which they were created.

7.7.7 GDPR and the Data Protection Act 2018 allow for those on whom Reach Deaf Services holds personal data to exercise their rights around this data, including the right to access personal data, have data corrected amongst other rights. People who wish to get access to their personal data or have another Data Protection query can contact our Data Protection Officer at dpo@reachdeafservices.ie.

7.8 Procedure for the use of mobile phones, IT equipment and Social Media

7.8.1 All staff are expected to familiarise themselves with the policy on use of information technology and social media set out in the employee handbook and boarding policies (Helping Young People to Stay Safe Online Policy, Working with Young People Online Policy) and to operate in accordance with it.

7.8.2 Those who work for and on behalf of Reach Deaf Services 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. Only work phones and computers should be used by staff for any approved electronic communication with boarders, parents, carers etc.

7.8.3 Staff 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 child's mobile phone number except where this is done for a specific purpose related to their work with Reach Deaf Services;
- provide a child with their own personal mobile phone number or email address;
- access the internet with a child unless authorised to do so as part of their work with Reach Deaf Services;

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- befriend a child on a social media website such as Facebook;
- take photographs of children without obtaining their permission and that of their parents;
- communicate with a child by email except where this is done with Reach Deaf Services approval and from a Reach Deaf Services email address;
- communicate with a child by text except where this is done with Reach Deaf Services approval and from a Reach Deaf Services mobile phone.

7.8.4 The children staying in the boarding campus require guidance and assistance in their use of 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 children.

7.8.5 Care staff should engage with the children 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.

7.8.6 Any computers used by the children in the Boarding campus should be suitably protected and their use monitored.

7.9 Procedure for Appointing a Relevant Person

7.9.1 The procedure to appoint a Relevant Person for Reach Deaf Services is as follows:

-The Board and CEO formally appoint and delegate the function of the Relevant Person to the Head of Care.

-The name of the Relevant Person will be displayed in this Policy and the Safeguarding Statement.

7.10 Procedure for Maintaining a List of Mandated Persons

7.10.1 The Head of Care is responsible for maintaining an up to date list of Mandated Persons in the Service.

7.10.2 The Head of Care must ensure the list is stored in the designated electronic folder for reference and for when requested/required.

8.0 Implementation Plan

8.1 The implementation of this policy will be assessed on a continuing basis by the Chief Executive Officer (CEO) and the staff of Reach Deaf Services.

8.2 Implementation Plan:

Action to be completed	Expected Completion Date	Responsible person(s)
Children First Implementation and Compliance Self-Audit Checklist to be completed annually.	April 2023	Head of Care or designate
Addendum to Reach Deaf Services	March 2023	Head of Care

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Child Protection and Welfare Policy to be approved and signed.		or designate
Revised Sharing of Information Forms and Consent Forms to be circulated and signed (process to be completed).	April 2023, and on-going	Head of Care or designate
Ensure this policy is accessible to all relevant persons including parents, carers, etc.	April 2023, and on-going	Head of Care or designate
Continuation of the Sharing of information processes between the Holy Family School for the Deaf and the Boarding Campus.	On-going	CEO, Head of Care, Care Manager
Maintain an up-to-date list of Mandated Persons.	On-going	Head of Care or designate
Develop, implement, and maintain risk assessments.	On-going	Head of Care, Care Manager, and Team Leaders
Ensure the Safeguarding Statement is maintained. Ensure circulation to relevant persons.	On-going	Head of Care or designate
Ensure staff are knowledgeable regarding the Safeguarding Statement.	April 2023, and on-going	Head of Care, Care Manager, and Team Leaders
Ensure staff are knowledgeable regarding Children First National Guidelines, legislation, and the Mandated Person role and responsibilities.	April 2023, and on-going	Head of Care, Care Manager, and Team Leaders
Ensure staff receive training, and in a timely manner.	On-going	Head of Care, Care Manager, and Team Leaders
Ensure staff receive education regarding this policy and that an ISL version is provided.	April 2023, and on-going	Head of Care or designate
Ensure staff sign to verify they read and understand this policy.	May 2023	Head of Care or designate
Raise awareness of child protection and welfare matters via staff supervision, support, and advise.	On-going	Head of Care, Care Manager, and Team Leaders
Ensure reporting to, liaison with, and the provision of assistance to	On-going	Head of Care, Care Manager,

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relevant authorities.		Team Leaders, Social Care Staff and Support Workers
Ensure proper recording and storage of child protection and welfare matters.	On-going	Head of Care, Care Manager, Team Leaders, Social Care Staff, and Support Workers
Host an annual Trust in Care Workshop for staff and ensure staff attendance.	May 2023	Head of Care or designate
Ensure documentation is clear, accurate, detailed, and marked as confidential if relevant.	March 2023, and on-going	Head of Care, Care Manager, and Team Leaders
Ensure the monitoring and management of behaviours of concern (Staff/Boarders)	On-going	Head of Care, Care Manager, and Team Leaders
Ensure the correct recruitment and garda vetting processes are in place.	On-going	HR Department
Ensure staff receive induction, probationary period, and on-going supervision, support, and advice.	On-going	Head of Care, Care Manager, and Team Leaders

9.0 Policy Revision and Audit

9.1 This policy will be subject to systematic review by the Safeguarding Protection and Welfare Committee of Reach Deaf Services Board at regular intervals of no less than two years as required under the *Children First Act 2015*.

9.2 The Safeguarding, Protection and Welfare Committee remit is to ensure the Boarding and Community services have appropriate structures and protocols in place to ensure appropriate safeguarding of service users.

10.0 References and Bibliography

- Children First Act 2015;
- Children First: National Guidance for the Protection and Welfare of Children, 2017;
- Trust in Care: Policy, Health Service Executive, 2005;

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- www.tusla.ie;
- 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;
- National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 – 2016;
- Child Safeguarding: A Guide for Policy, Procedure and Practice, Tusla;
- GDPR and the Data Protection Act 2018.

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Appendix 1: Designated Liaison Person, the Deputy Designated Liaison Person, Tusla and Gardai Contact Details

Designated Liaison Person (DLP) – Head of Care, St Mary's and St Joseph's Boarding Campuses

Deputy Designated Liaison Person (DDL) – Care Manager, Ashling Donegan

Telephone: + 353 1 830 0522

Email: info@reachdeafservices.ie

Tusla: 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. Tusla's preferred method for receiving reports is through the Tusla online portal. This is the fastest and most secure method for making reports and can be used for Child Protection and Welfare Report Forms and Retrospective Abuse Report Forms (<https://www.tusla.ie/children-first/web-portal/>).

Tusla Out of Hours Service: 0818776315 between 6pm and 6am every night and between 9am-5pm on Saturdays, Sundays, and bank holidays. This service is specifically for mandated persons needing to make a mandated report out of hours.

Gardai: Offences alleged to have been committed on the Reach Deaf Services campus should be reported to Cabra Garda Station on 01-6667400. Alternatively, Blanchardstown Garda Station can be contacted via phone on 01-6667000 or via email: blanchardstown_ds@gardai.ie. Advice can be sought from the Tusla Liaison Sergeant in Blanchardstown Garda Station. Reports regarding the protection or welfare of a child in their home should be made to the Garda Station covering the area of the child's home address.

In cases of **emergency**, contact the emergency services asap.

Note:

Tusla and An Garda Síochána operate a Joint Working Protocol. Tusla can advise staff if they will be reporting a case to An Garda Síochána. Where Tusla decide not to report to An Garda Síochána and where staff have a concern regarding the immediate well-being of a child, the staff member should contact An Garda Síochána regarding their concern. This may also apply to situations where staff members cannot reach a senior member of staff/Tusla for advice. Information that a person may have 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.

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Appendix 2: 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 will assist staff with determining whether the threshold for reporting to Tusla has been reached. If in any doubt the DLP/staff member 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 her. 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 Reach Deaf Services) must be reported to Tusla and, in certain circumstances, to An Garda Síochána (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 Reach Deaf Services campus. Such a concern should be reported to Tusla and An Garda Síochána.

When a child goes missing from the campus and their whereabouts are unknown, the absence management plan should be implemented. This will involve reporting the missing child to An Garda Síochána and reporting the incident to Tusla.

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

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Appendix 3: Good Practice Guidelines

Those working for or on behalf of Reach Deaf Services 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) and to make sure that communication is working and to get support when it is not;
- 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.

Those working for or on behalf of Reach Deaf Services 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.

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Appendix 4: Prevention of Abuse

- Reach Deaf Services is committed to a child centred approach. This involves:
 - a. The safety and welfare of children is everyone's responsibility;
 - b. The best interests of the child should be paramount. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made;
 - c. The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm;
 - d. Reports of concern should be made without delay to Tusla;
 - e. Valuing children and demonstrating respect for them;
 - f. Listening to them and taking their views seriously;
 - g. Valuing the child's language of choice and respecting their right to communicate through their preferred language;
 - h. Involving them in decision making in accordance with their age and stage of development;
 - i. Dealing with their concerns and complaints and those of their parents/ guardians promptly and effectively;
 - j. Setting clear limits, appropriate to their age and stage of development, for their behaviour.

- Reach Deaf Services is also committed to the two principles underpinning safeguarding practice with children- 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 must 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. See

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Appendix 3 for more information and practical examples regarding good practice (guidelines)

- Reach Deaf Services provides information to people who use the service, about protection and staying safe. This policy is available upon request. A user friendly complaints form is available for all service users and boarders. All information is made accessible through ISL.
- Reach Deaf Services ensures that the appropriate checks are conducted when recruiting employees, including Gardai vetting and reference checking. Review of current staff's Garda vetting occurs every three years.
- Reach Deaf Services ensures that all employees satisfactorily complete a probation period before being given a permanent contract of employment.
- Reach Deaf Services ensures that staff are given on-going training on matters relating to child protection including refresher training on prevention, identification and reporting of abuse.
- Reach Deaf Services ensures proper arrangements for the care of the children on the campus and when taken off-campus by Reach Deaf Services staff, as set out in the operational policies of Reach Deaf Services.
- Reach Deaf Services acknowledges that it provides services for young Deaf people only with the informed consent of their parents or guardians. Reach Deaf Services 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. A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. Where there is conflict, the child's welfare must come first.
- Reach Deaf Services ensure that those working for and on behalf of the service and its subsidiaries understand what is expected of them in their dealings with children.

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Addendum

Addendum to Reach Deaf Services Child Protection Policy and Procedures -September 2022

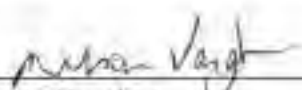
1. This Addendum supplements the Child Protection and Welfare Policy of Reach Deaf Services and the Safeguarding Policy of the Holy family School for the Deaf.
2. The parties to this Addendum are: Reach Deaf Services and The Holy Family School for the Deaf, being the co-authors of this addendum.
3. In the event of a dispute or conflict between this Addendum and either policy, the Diocesan Child Safeguarding and Protection Service be consulted for advisement.
4. This addendum is effective from 29.09.22.
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 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 Head of Care Designated Liaison Person of the Boarding Campus in Reach Deaf Services informed of all safeguarding and or protection concerns pertaining to the children in the school whom reside in boarding. This will relate to any issues raised whether dealt with locally or escalated.
 - c. Likewise, the Head of Care will advise the school Principal of any safeguarding or protection concerns relating to any child in the boarding and communicate this information to the CEO of Reach Deaf Services.
 - 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 Sharing of Information form, advising of the information sharing arrangements between Boarding and School, must be held on both boarding and school pupil files. If a signed copy of this does not exist, it must be obtained immediately.
 - f. For Boarders aged 18 years of age or older, consent will be sought from the Boarder regarding the continued sharing of information with their parents/guardians. This has no impact on the data sharing agreement between the boarding and school. Where a Boarder chooses not to allow for the sharing of information with their parents/guardians, there will be limited circumstances under which their parents may still be contacted, such as where there is a concern around the vital interests of an individual.
 - g. The Dublin Diocese Safeguarding Team will provide all safeguarding training for the school, including auxiliary staff and special needs assistants ensuring a consistency of approach. A letter of commitment to same has been issued by the Chair of the Board of

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Management of 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.

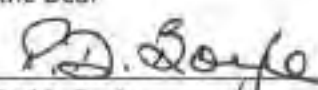
6. Any changes to the Reach Deaf Services policy or the school policy must be communicated with all parties to the addendum and where necessary an updated agreement put in place.
7. Signing of this addendum constitutes acceptance of the terms of the policy.

Chairperson of Reach Deaf Services



 Nessian Vaughan
 15/5/23

Chairperson Holy Family School
for the Deaf



 Fr. Paddy Boyle
 16/5/23
