

# **Mullingar Integrated Arts Centre Ltd**

## **Child Welfare and protection Policy Document.**

**September 2024**

**Adopted by the Board of Directors on  
Tuesday 3<sup>rd</sup> September 2024**

## 1. Introduction

Mullingar Integrated Arts Centre Ltd has a responsibility to ensure the protection of children participating in any Arts Centre activities. All employees and volunteers must be sensitive to the vulnerability of children during the course of their duties and act in a responsible manner at all times.

These Guidelines have been developed in accordance with *Children First Act 2015*. Copy found at [www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf](http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf)

And *The National Guidance for the Protection and Welfare of Children 2011*, a copy of which can be downloaded from the following website: [www.hse.ie](http://www.hse.ie)

These guidelines are directed at all those who have contact with children in the normal course of their duties, to provide guidance on appropriate behaviour around children and what to do if abuse is suspected.

This Policy is not a legal interpretation of the legislation

While it is not a legal document, it is important to note that this document outlines procedures which must be complied with.

Failure to comply may have legal implications or consequences.

## 2. Safe Guarding Statement

Mullingar Integrated Arts Centre Limited is committed to a **child-centred** approach to our work with children in all services and activities as operated by the Centre. We undertake to provide a safe environment and experience where the welfare of the child is paramount.

We will adhere to the Children First 2015 and National Guidance for the Protection and Welfare of Children 2011 by implementing procedures covering:

- appropriate recruitment and selection of employees and volunteers
- Implementing the Garda Vetting Procedure for all relevant employees and volunteers.
- Appropriate management, supervision and training of employees.
- the reporting, investigation and recording of incidents and accidents
- complaints made against the Arts Centre, its employees / volunteers
- reporting of suspected or disclosed abuse
- confidentiality
- circulation of information to employees, volunteers, parents/guardians and participants on our activities and what can be expected of the Centre in relation to those activities

- Allegations of misconduct or abuse by employees or volunteers.
- Risk Assessment Carried out in line with policy and Procedures.

### 3. Definition of 'Child'

In these guidelines "child" means a person under the age of 18 years, excluding a person who is or has been married.

### 4. Designated Liaison Officer

Mullingar Integrated Arts Centre will appoint at least one **Designated Liaison Officer** as per the 2011 National Guidance and Children First Act 2015 to:

- act as a source of advice on child protection matters;
- co-ordinate action within the authority;
- Liaise with Tusla the Child and Family agency, An Garda Síochána and other agencies about concerns whether suspected or actual cases of child abuse.

**The designated liaison person** shall ensure that s/he is knowledgeable about child protection and that s/he undertakes any training considered necessary to keep updated on new development in consultation and registration with the Tusla/ HSE representative.

Certified Training for all staff and volunteers and DLP is available on Tusla website at the following link:

[www.tusla.ie/children-first/children-first-e-learning-programme/](http://www.tusla.ie/children-first/children-first-e-learning-programme/)

**The role of the Designated Liaison Person (DLP)** is to:

**Establish contact** with the senior member of the Health Service Executive responsible for child protection in the authority's catchments area IE. Principal Social Worker;

**Provide information** and advice on child protection within the authority of Mullingar Arts Centre;

**Ensure** that the child protection policy and procedures are followed and up to date with current and new legislation.

**To inform** appropriate sources of relevant concerns about individual children;

**Ensure that appropriate information** is available at the time of referral and that the referral is confirmed in writing under confidential cover;

**Lease** with the Health Service Executive/Tusla/An Garda Síochána and other agencies as appropriate;

**Keep relevant people** within the organisation, particularly the Board of Directors, informed of relevant issues if appropriate and on a need to know basis to protect confidentiality.

Ensure that an individual case record is maintained of the action taken by the authority, the liaison with other agencies and the outcome;

**Advise** the organisation of child protection training needs in accordance with any change or legislation updates.

The name and contact details of the **Designated Liaison Officer(s)** shall be made available to all employees, volunteers, relevant agencies and users of the local authority services, by displaying these details on an information board in a prominent place visible to all clients and users of the premises.

## **5. Code of behaviour in relation to children**

Mullingar Arts Centre Limited aims to create an environment in which children are listened to, given a sense of belonging, and kept safe; parents are supported and encouraged; and employees and volunteers who work with children and young people are supported and protected. In order to meet these aims the Arts Centre will follow a framework for good practice and a code of behaviour as set out below.

## **6. The Art Centre's Child-centred Approach**

All Art Centre activities involving children shall be guided by what is best for children. Children's activities shall be conducted in a safe, positive and encouraging atmosphere. Standards of excellence should extend to personal conduct. Taking a child-centred approach means to:

- Treat all children equally
- Listen to and respect all children
- Involve children as appropriate
- Provide encouragement, support and praise (regardless of ability)
- Use appropriate language (physical and verbal)
- Have fun and encourage a positive atmosphere
- Offer constructive criticism when needed
- Treat all children as individuals
- Respect a child's personal space
- Use age-appropriate teaching aids and age appropriate language
- Lead by example
- Be aware of a child's time limitations e.g. school/exams when scheduling activities
- Create an atmosphere of trust & in the incidence of disclosure never Promise to keep secret any information given to you.
- Respect and be aware of differences of ability, culture, religion, race and sexual orientation and membership of the Traveller Community.
- Endeavour to provide equality/diversity training for employees in relation to cultural differences.
- Use all information in respect of children only for the purpose for which it is given, subject to child protection concerns.

## **7. Good Practice Framework**

The Art Centre aims to work within the following framework for good practice by:

- Providing policy & procedure certified training for employees and volunteers in line with these guidelines. Training found at ([www.tusla.ie](http://www.tusla.ie))
- Registering each child for day long or long term activities or projects (name, address, emergency contact numbers & parental consent if applicable, start and finish time of children and adults and employees and volunteers of the centre),
- It will be noted that it is not possible to cover all open or public events.
- Complying with current G.D.P.R. and Mullingar Art Centre's Data Protection Policy in respect of personal and sensitive data regarding children and their parents/guardians with the only exception to aid child protection investigation arising from concerns.
- Making parents/guardians, children, visitors and facilitators aware of these child protection guidelines
- Having procedures in place for accident/injuries or emergencies
- Reporting/recording any incidents and accidents
- Being inclusive of children with specific needs
- Reporting any concerns to the Designated liaison Officer and following reporting procedures
- Encouraging children to report any bullying, concerns and worries
- Evaluation of work practices where contact with children occurs on a regular basis
- Reviewing and updating policies and procedures regularly in accordance with best practise, current and changing future legislation
- Keeping parents/guardians informed of any issues of concern regarding their children where appropriate
- Ensuring appropriate supervision (including adequate adult / child ratios) depending on age, abilities and activities involved
- Ensuring that partner organisations are familiar with the Art Centre's guidelines
- Not ignoring concerns
- Not letting a problem get out of control
- Ensuring that there are adequate insurance arrangements in place to cover all relevant activities.
- Not photographing/filming or otherwise recording of children without the expressed written consent of the parent/guardian.
- Not displaying images of children without the written consent of the parent/guardian in line with current G.D.P.

## Inappropriate behaviour – Checklist for Employees / Volunteers

- Avoid spending excessive amounts of time alone with children
- Avoid taking children on journeys alone in a car where possible and never without the written consent of the parent / guardian.
- Where possible employees should avoid being in a one to one situation with a child in a non public space.
- Do not use/allow offensive or sexually suggestive physical conduct and/or verbal language
- Do not single out a particular child (for unfair favouritism, criticism or ridicule)
- Do not allow/engage in inappropriate touching of any form
- Do not hit or physically chastise children
- Do not socialise inappropriately with children e.g. outside of structured organisational activities
- It is important to avoid physical contact with children unless absolutely necessary.
- Not revealing personal information about children in any way, with the only exception being where there are child protection concerns.
- Following Atrs Centre policy on use of personal mobile devices
- Use of any social media for sharing of child images is prohibited without prior written consent from a parent or guardian.

### Considerations for the health and safety of children

- Do not leave children unattended/unsupervised
- Ensure that children are not in contact with any dangerous materials
- Provide a safe environment and where feasible ensure another employee / volunteer is present.
- Be aware of and comply with the Art Centre's policy on Safety, Health and Welfare at Work.
- Ensure that you are familiar with and comply with the Centre's procedures in relation to accidents
- Comply with the emergency evacuation procedures particular to the location in which you are located and brief the children in your care on what they are to do / where they must go in an emergency.
- Be familiar with the particular risks associated with the activity and/or location at which you are based. Read and understand the Safety Statement for that location.
- When undertaking a **risk assessment** take account of a child's natural curiosity and include appropriate precautions to safeguard a child's potential exposure.
- For any further advice in relation to health and safety issues you should contact the **Art Centre's Safety Advisor**.

### **General supervision**

Employees/volunteers shall endeavour to ensure that there are adequate adult/child ratios. The appropriate ratio will depend on the nature of the activity, the age of the children the insurance company policy and any special needs of the group.

Where feasible it is recommended that at least 2 adults should always be present. Where individual access is concerned (e.g. Libraries) this will be dealt with through the site specific code of practise.

Employees/volunteers shall endeavour to avoid being left alone with children. If an adult needs to talk separately to a child this should be done in an open environment in view of others. Employees should not be left alone with children at the end of an activity. Times for start and finish of activities should be clearly stated.

**Late collection of children by parents/guardians presents a potentially difficult situation,**

#### **Employees/volunteers should:**

- attempt to contact the child's parent/guardian on their contact number
- use an alternative contact name/number agreed with the child's parent / guardian if necessary
- wait with the child with another employee member/volunteer present
- Make it clear to parents/guardians that it is not acceptable and is not the Art Centre's responsibility to transport children home on behalf of parents/guardians who have been delayed.

#### **Employees/volunteers should not:**

- take the child home or to another location without permission from a parent / guardian
- send the child home with another person without permission from a parent/guardian;
- Leave a child unaccompanied.

### **Dealing with challenging or disruptive behaviour**

Disruptive behaviour is unacceptable, and disruptive children will be asked by employees to behave. Disruptive behaviour will be reported to the parent / guardian.

If a child continues to be disruptive s/he will be advised that s/he is causing a disturbance and given a warning. A warning letter may be sent to the parent/guardian stating that further disruptions may result in withdrawal of facilities or services to the child.

Gardai must be notified promptly where extreme disruptive or illegal behaviour has occurred.

When dealing with a disruptive child it is recommended that where possible more than one employee or volunteer be present.

Instances of disruptive behaviour that require the intervention of the employee, and which put at risk the safety and well being of others, must be documented.

The report must include the following details:

- the programme or activity running at the time
- what happened
- who was involved
- where and when it happened
- what was said, if significant
- any injury to person or property
- how the situation was resolved.

**An Incident Report Form** shall be completed by staff member and signed by a parent/guardian. A copy given to the child's parent. Check with Relevant insurance company as to the required detail in naming a child in the report form.

A Template is provided in the appendix at the back of this document.

## **8. Dealing with Complaints / Allegations against the Art Centre, Employees and Volunteers**

Allegations of a general nature (not related to the alleged abuse or neglect of a child) which are made against the Art Centre, its employees or volunteers must be investigated, dealt with and managed by the Art Centre in accordance with the Art Centre's Complaints Procedure.

Employees / volunteers are required to co-operate with investigations by or on behalf of the Centre in accordance with the Complaints Procedure.

The Art Centre's Disciplinary Procedure may be invoked in circumstances where it is found that an employee / volunteer has engaged in negligent, unsafe or otherwise inappropriate behaviour in respect of the allegation.



Where an allegation of abuse of a child is made against an employee or volunteer the reporting procedure must be dealt with and managed by the Art Centre guided by the Art Centre's Designated Liaison Officer(s) as outlined under *Children First 2015 and 2011: National Guidance for the Protection and Welfare of Children*.

*Under the Appendices Section "Guidance notes for allegations made against employees" It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities and shall not be undertaken by the Art Centre's Designated Liaison Officer(s) or other Arts Centre employees.*

Where such an allegation is made against an employee, or volunteer contact and consultation with the Health Service Executive and An Garda Síochána will take place as soon as is reasonably practical. This may be done through the Art Centre's Designated Liaison Officer(s).

Following these consultations any action will be guided by the relevant statutory body.

Procedures for the reporting of such incidents are set out in *Children First 2015: National Guidance for the Protection and Welfare of Children 2011*, a copy of which can be made available on request or can be found on the website [www.tusla.ie](http://www.tusla.ie)

The Art Centre will, as a matter of urgency, take any necessary protective measures that are proportionate to the level of risk and will balance its obligations to its employee with its obligations in respect of the best interests of children.

**When an allegation is made against an employee, the following steps shall be taken:**

1. Action shall be guided by the agreed procedures, the applicable employment contract and the rules of natural justice, where appropriate.
2. The Manager shall be informed as soon as possible.
3. The first priority shall be to ensure that no child is exposed to unnecessary risk.
4. The employer should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk. Such protective measures are not disciplinary measures.
5. The follow up on an allegation of abuse against an employee shall be made in consultation with the Health Service Executive/ Tusla and An Garda Síochána. An immediate meeting shall be arranged with these two agencies for this purpose.

6. After these consultations referred to above and when pursuing the question of the future position of the employee, the Designated Liaison Officer shall advise the person accused of the allegation and the agreed procedures shall be followed.
7. Employers/Managers shall take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by the Health Service Executive/Tusla or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

Employees/volunteers may be subjected to erroneous or malicious allegations. Therefore any allegation of abuse will be dealt with sensitively and support will be offered to employees including counselling where necessary.

All allegations are such until investigated by the relevant Statutory Authority. However, the primary goal is to protect the child while taking care to treat the employee/ volunteer fairly.

## **9. Recognising Child Abuse**

Child abuse can often be difficult to identify and may present in many forms early detection is important and individuals working with children should share their concerns about child protection or welfare with the designated liaison officer in the Art Centre.

### **Guidelines for Recognition**

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

- **considering the possibility**
- **looking out for signs of abuse**
- **recording of information**

The possibility of child abuse should be considered if any of the signs or symptoms are presented.

Signs of abuse can be physical, behavioural, or developmental.

Abuse can exist in the relationships between children and parents/guardians or between children and other family members.

A cluster or pattern of signs is likely to be more indicative of abuse.

Children who are being abused may hint that they are being harmed and sometimes make direct disclosures.

Disclosures should always be believed; less obvious signs could be gently explored with the child, without direct questioning.

Most signs are non-specific and must be considered in the child's social and family context.

It is important to always be open to alternative explanations for physical or behavioural signs of abuse.

If abuse is suspected, it is important to establish the grounds for concern by obtaining as much detailed information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information which may be relevant.

## **10. Reporting Child Protection concerns**

Everyone must be alert to the possibility that children with whom they are in contact may be being abused.

If a child hints at or tells you that he or she is being abused, it must be handled very sensitively, and in the following way:

- Stay calm and listen – give the child time to say what she or he wants
- Do not ask leading questions or details, or make suggestions
- Do not stop the child recalling significant events, but do not make him or her repeat the story unnecessarily
- Reassure the child, but do not promise to keep it a secret
- Explain what needs to be done next
- Record the discussion as carefully as possible using the child's own words.

The information shall then be passed on in accordance with the procedures and guidance from the designated Liaison Officer.

The primary responsibility of the person who first suspects or is told of abuse is to report it to the Designated Liaison Person and to ensure that their concern is taken seriously. The guiding principles in regard to reporting child abuse may be summarised as follows:

- The safety and well-being of the child must take priority.
- Reports should be made without delay.
- The principle of natural justice shall apply, as appropriate.
- A person is innocent until proven otherwise.
- The principle of confidentiality shall apply, whereby only those who need to know should be told of a suspicion/allegation/disclosure of

abuse and the number that need to be kept informed shall be kept to a minimum.

- The Designated Liaison Officer will fill out the standard reporting form and submit to relevant authorities. Found on [www.tusla.ie](http://www.tusla.ie) A copy is included in the appendix of this document.

### **Steps to be taken by an employee who knows about or suspects child abuse.**

An employee/volunteer who knows or suspects that a child has been or is at risk of being harmed has a duty of care to convey this concern to the Designated Liaison Officer(s) without delay who will report the information to the Health Service Executive/Tusla, or, notify An Garda Síochána.

In an emergency, a report must be made directly to An Garda Síochána.

If the suspected abuser is an employee / volunteer of the Art Centre, the matter should be brought to the immediate attention of the Designated Liaison Officer and the Centre Director.

### **The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred.**

That is the responsibility of Tusla/Health Service Executive or An Garda Síochána.

Under no circumstances should any individual member or employees or volunteer attempt to intervene or deal with the problem of abuse alone.

### **Steps to be taken by the designated Liaison officer**

When the designated liaison officer receives a report about suspected or actual child abuse, they should consider whether there are reasonable grounds for reporting it to Tusla/ Health Service Executive. It may be helpful to discuss the matter with a professional, such as a social worker, who can assist in deciding whether or not to formally report concerns.

The Social Workers are available locally to answer calls Mullingar Area by phoning 044 9353997

The following examples would constitute reasonable grounds for concern and should be reported:

- specific indication from the child that (s)he was abused;
- an account by a person who saw the child being abused;
- evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused another way;
- An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indicators of abuse, dysfunctional behaviour; consistent indication,

over a period of time, that a child is suffering from emotional or physical neglect.

**This may involve:**

- clarifying or getting more information about the matter;
- where there is any doubt or uncertainty, consulting initially with a statutory child protection agency to hear their view of the situation;
- making a formal referral to Tusla/Health Service Executive or An Garda Síochána

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally as future suspicions may lead to the decision to make a report and, in those circumstances; earlier suspicions may provide important information.

**Standard reporting procedure**

Where reasonable grounds exist for the reporting of suspected or actual child abuse a report shall be made to the child and family agency Tusla using standard child protection and welfare reporting form. found at [www.tusla.ie](http://www.tusla.ie) (Copy included at the back of this documents.)

Reports may be made to directly to the social worker.

Each Tusla / Health Service Executive office has a social worker on duty for a certain number of hours each day. The duty social worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns.

The Social Workers are available locally to answer calls in Mullingar Area by phoning 044 9353997.

In the event of an emergency, or the non-availability of HSE or Tusla employees, the report should be made to An Garda Síochána.

This may be done at any Garda Station.

Under no circumstances should a child be left in a dangerous situation pending the intervention of Tusla or Health Service Executive

Additional guidance on the arrangements for reporting child abuse can be found in *Children First 2015 – National Guidance for the Protection and Welfare of Children 2011*.

**11. Cases where concerns are not referred on**

In those cases where the Arts Centre decides that it should not refer concerns to Tusla or An Garda Síochána, the employee/ volunteer who raised the concern must be given a clear written statement of the reasons why the Arts Centre is not doing so. The employee / volunteer should be advised that, if they remain concerned about the situation, they are free to consult with, or report to, Tusla or An Garda Síochána.

Knowledge and information about child abuse will help to overcome reluctance to take action.

**The Protections for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to designated officers, the HSE or any member of An Garda Síochána. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report.**

## **12 Confidentiality**

All information regarding concern or assessment of child abuse shall be shared only on "a need to know" basis in the interests of the child.

No undertakings regarding secrecy can be given.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance.

They are not intended to limit or prevent the exchange of information between different professional employees that have a responsibility for ensuring the protection of children.

Giving information to others for the protection of a child is not a breach of confidentiality as long as procedures are followed.

However, it must be clearly understood that information which is gathered for one purpose must not be used for another without consulting the person who provided that information.

Anyone who receives information from colleagues about possible or actual child abuse must treat it as having been given in confidence.

Any breaches of confidential information may be regarded as a disciplinary matter.

## **13. Recruitment and selection**

Mullingar Arts Centre has a procedure for the vetting of all employees and volunteers.

This procedure is determined by An Garda Síochána.

All applicants for appointment or engagement will be required to supply information in writing on the prescribed Form and to provide formal photographic identification in support of their application.

This will include personal details, past and current work/volunteering experience and any qualifications or skills relevant to the post.

Applicants for employment will be required to make a declaration relating to previous criminal records.

When a candidate is being considered for appointment or is being placed on a panel, the completed Consent Form will be sent to the Garda Central Vetting Unit by the Arts Centre Authorised Signatory as appointed under the Garda Vetting Procedure.

Volunteers may be required to supply information in writing on the prescribed Consent Form with a view to being vetted by An Garda Síochána.

This requirement will be determined through liaison with the Arts Centre Authorised Signatory.

The Authorised Signatory may seek advice on the appropriateness of vetting volunteers through the Garda Vetting Unit.

**Further information**

Further information on child protection and welfare is available from the Art Centre's Designated Liaison Officer(s), from Tusla the child and Family agency and the Health Service Executive and from the Department of Children and Youth Affairs Health and Children.

[www.tusla.ie](http://www.tusla.ie) ,[www.hse.ie](http://www.hse.ie) and [www.dcyh.gov.ie](http://www.dcyh.gov.ie)

## Appendix

### 1. Recognition of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time.

#### Definition of “Neglect”:

Can be defined in terms of an *omission*, where the child suffers significant harm or impairment

Of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision

And safety, attachment to and affection from adults, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child.

Whether it is *significant* is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways *over a period of time* rather than at one specific point.

For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety.

A child whose height or weight is significantly below average may be being deprived of adequate nutrition.

A child who consistently misses school may be being deprived of intellectual stimulation.

The *threshold of significant harm* is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

#### Definition of ‘emotional abuse’

Emotional abuse is normally to be found in the *relationship* between a parent/carer and a child rather than in a specific event or pattern of events.



It occurs when a child's developmental need for affection, approval, consistency and security are not met.

Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Examples may include:

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

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning.

Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour.

The *threshold of significant harm* is reached when abusive interactions dominate and become *typical* of the relationship between the child and the parent/carer.

### **Definition of 'physical abuse'**

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

There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- Fabricated /induced illness.

- Allowing or creating a substantial risk of significant harm to a child.

### **Definition of '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.

Examples of child sexual abuse include:

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

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

## Guidance Notes

### Link to CHILD WELFARE AND PROTECTION REPORT FORM.

[www.tusla.ie/uploads/content/Child\\_Protection\\_and\\_Welfare\\_Report\\_Form\\_FINAL.pdf](http://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf)

This Report Form is for use by:

- Any professional, individual or group involved in services to children, including HSE or Tusla personnel, who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported.
- Mandated Persons and individuals in the provision of child care services in the community who have service contracts with the HSE.
- Designated persons in a voluntary or community agency.

Please fill in as much information and detail as is known to you. This will assist the Social Work Department in assessing the level of risk to the child or the support services required. If the information requested is not known to you, please indicate this by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

If you are making this report in confidence, you should note that any statutory body cannot guarantee absolute confidentiality for the following reasons:

- A Court could order that information be disclosed.
- Under the Freedom of Information Act 1997, the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a 'bona fide report', you are protected under the Protections for Persons Reporting Child Abuse Act 1998.

If you are unsure if you should report your concerns, please telephone the duty social worker and discuss your concerns with them:

Child & Family Agency, Primary Care Centre, Harbour Road, Mullingar, Co Westmeath 044 9353997.

An Garda Siochana Mullingar 044 9384000

Tusla out of hours Mon to Fri 6pm to 6am Saturday, Sunday and Bank holidays 9am to 5pm phone 0818 776 315.

## **Key legislative provisions and national guidelines**

The Child Care Act 1991

The Domestic Violence Act 1996

Protection for Persons Reporting Child Abuse Act 1998

The Data Protection Acts 1988 - 2003

The Education Act 1998

The Non-Fatal Offences Against the Person Act 1997

The Freedom of Information Acts 1997 – 2003

The Equal Status Acts 2000-2004

Children First National Guidelines for the Protection and Welfare of Children  
Department of Health and Children, September 1999

Our Duty to Care, The principles of good practice for the protection of children  
and young people  
Department of Health and Children, 2002

Children First National Guidance 2011

Children First 2015