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# CHILD SAFEGUARDING POLICY AND PROCEDURES

LAOIS SPORTS PARTNERSHIP



## 1. INTRODUCTION

This policy document and associated procedures aims to support Laois Sports Partnership (LSP) in creating and maintaining as safe an environment as possible for children who engage with the company. In creating and maintaining this safe environment LSP will implement specific safeguarding children measures and will support staff and volunteers in promoting the protection and welfare of children who are in contact with LSP and/or use their facilities.

### 1.1 Context

LSP is committed to ensuring that the best interests of children and young people attending our services are of paramount importance. Our guiding principles are underpinned by national policy and legislation in ROI Children First: National Guidance for the Protection and Welfare of Children 2017, and the requirements under The Children First Act 2015. This policy is also informed by Sport Ireland's Safeguarding Guidance for Children & Young People, Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child, The Child Care Act 1991, The Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

While this policy document has been developed in the context of children and young people, LSP also follow this policy, where applicable, for vulnerable adults. As noted above, the foundation for this document came from Sport Ireland's Safeguarding Guidance for Children and Young People in Sport and we are committed to integrating future specific guidance around vulnerable adults from Sport Ireland into this policy.



## 1.2 Nature of Service

Laois Sports Partnership is a leader in local sports development in Ireland and is one of the founding partnerships. The Partnership is supported in its work by a Board of Management with a broad spectrum of representative groups on the board. The key aims of the Local Sports Partnership are to increase participation in sport through coordination. This is to ensure that local resources are used to best effect and to enable the ongoing development of quality sporting and active recreational opportunities throughout County Laois in an environment that promotes healthy lifestyles, maximum participation and achievement. The outcomes sought from the Local Sports Partnerships by Sport Ireland include:

- Enhanced planning of sport at local level.
- Increased levels of local participation, especially amongst specific target groups e.g., older people, girls and women, people with disabilities, unemployed people and those who live in identified disadvantaged communities.
- Club development & volunteer training.
- Local directories of sports bodies and facilities.
- Clear priorities for facility provision and improvement, with related quality management initiatives.
- School/ club/ community and school/ National Governing Body links.
- Local sports events

## 1.3 Role of Laois Sports Partnership

The three main functions of LSP's are summarised by Sport Ireland as follows:

- **Information:** Resource audits and a needs analysis which can be used as a basis for planning at local level.
- **Education:** To provide training opportunities, courses and to facilitate participation.
- **Implementation:** Strategic plans used to implement local programmes based on local requirements, to maximise the impact and benefit of national programmes at the local level and to market and promote sport and physical activity.

## 1.4 Core Values

The following are LSP's Core Values and are particularly relevant for our work with children and vulnerable adults:

- Community Development
- Empowerment



- Inclusiveness
- Accountable
- Integrity
- Needs Led
- Sustainable Engagement
- Strong Partnerships

## 2. SAFEGUARDING CONTEXT

Laois Sports Partnership (LSP) is committed to safeguarding the wellbeing of children. Those working for, or on behalf of LSP, should, always, show respect and understanding for the rights of children and conduct themselves in a way that reflects the principles and core values of the organisation. LSP recognises that it has a duty of care to protect all children, in contact with our services or through services we fund, and to safeguard their welfare, irrespective of gender, civil status, family status, age, race, religion, disability, sexual orientation or membership of the Travelling community. LSP is committed to a child centred approach to all relevant services and activities that we operate. We undertake to provide as safe an environment, as is practicable, where the welfare of children is paramount. LSP will adhere to the requirements of the Children First Act by implementing policies and procedures specifically covering:

- The drafting of a Child Safeguarding Statement and Risk Assessment
- Safe Recruitment of staff and volunteers
- Garda Vetting
- Management of abuse allegations against staff
- Mitigating actions to manage identified child safeguarding risks
- Provision of training to staff and volunteers in the identification of harm to children
- Reporting relevant concerns to Tusla, Child and Family Agency
- Maintaining a list of mandated persons
- The appointment of a relevant person as the first point of contact for the Child Safeguarding Statement

## 3. GUIDING PRINCIPLES

The guiding principles are as set out in the Child Safeguarding Statement of Laois Sports Partnership (Appendix 1). It will be the responsibility of LSP to ensure these principles are followed to safeguard, as far as practicable, children who are engaging with activities or events connected with the company. **A glossary of terms in respect of LSP Child Safeguarding Policy is referenced in Appendix 2 and Relevant legislation and national guidance are referenced in Appendix 3.** Actions that will assist the implementation and maintenance of the safeguarding children principles include:

- Responding without undue delay to protection and welfare concerns in respect of children and following the guidance contained within this policy document.

- Ensuring that a relevant and a named person are appointed for the purposes of the Children First Act 2015.
- Ensuring that a Designated Safeguarding Liaison Person (DSLPL) and a Deputy DSLPL are appointed for the purposes of the 2017 National Guidance in respect of Children First.
- Reporting child protection or welfare concerns/suspicions to the Designated Safeguarding Liaison Person or the Deputy Designated Safeguarding Liaison Person and following Children First compliant procedures.
- Ensuring that identified mandated staff fulfil their responsibilities under the Children First Act 2015 and that a list is maintained by LSP of such personnel.
- Ensuring appropriate management, recruitment and supervision of staff and volunteers is in place and is subject to regular internal audit.
- Drafting and implementing a safeguarding child training plan for all staff/volunteers and a role specific training plan for the safeguarding children post holders.
- When LSP is partnering with another body in respect of a children's event there must be prior agreement on which bodies reporting procedures are to be followed in cases of incidents or suspected child protection or welfare concerns. This includes outreach work carried out by LSP staff in the community.
- Compliance with LSP's Data Protection policy in respect of the retention, by the Designated Safeguarding Liaison Person (DSLPL), of confidential, personal and sensitive data regarding children and their parents/carers who are subject to protection and/or welfare concerns. Such sensitive personal information must only be shared on a 'need to know' basis.
- Ensuring, when practicable, that parents/guardians are informed of any issues or concerns regarding their children.
- Ensuring partners, involved in children's activities funded by LSP, confirm they will have appropriate supervision ratios in place prior to the activity taking place. Such groups should also confirm they have Children First compliant procedures in place at the planning or booking stage.
- LSP will not knowingly engage with any person, organisation or finance any project that poses a risk to children or that does not meet the child protection and safeguards outlined in the Children First Act and the Children First: National Guidance for the Protection and Welfare of Children (2017).
- Ensuring children and parents/guardians are aware of the LSP Child Safeguarding Policy document.
- The LSP will be inclusive of children and young people with disabilities in activities it is engaged with.
- Ensuring that all appropriate organisations and the public are aware of this LSP Child Safeguarding Policy document.
- Ensuring that the Child Safeguarding Policy document is available on the LSP public website and on any internal shared drive.
- Encouraging children to report any bullying concerns and staff being aware of the Bullying and Harassment Policy and Procedures outlined in the Staff handbook (See Section 5.2).

- Ensuring a Protected Disclosures policy is in place which reflects the needs of children.
- Ensuring that photographing or recording identifiable visual images of children or permitting such actions will only take place with the written consent of the parent/guardian.
- Not displaying images of children without the written consent of the parent/guardian. This will apply to the LSP website or social media links of the body.
- Any observed possible breach of the LSP code of conduct, related to children, by staff or a volunteer, which is observed by a colleague, will be reported without delay to the relevant line manager for appropriate response.
- LSP will be responsible for reviewing and updating the Child Safeguarding Policy at a minimum bi-annually or as soon as possible if there has been a material change in any national policy, legislation or relevant procedural issues.

#### 4. ADULT-CHILD RELATIONSHIPS IN SPORT

The trust implicit in adult-child relationships in sport places a duty of care on all adults, voluntary or professional, to safeguard the health, safety and welfare of the child while engaged in their sporting activity. Adults have a crucial leadership role to play in sport. Whether they are parents/guardians, sports leaders or teachers, they can contribute to the creation of a positive sporting environment for young people. The unique nature of sport allows sports leaders to develop positive and special relationships with children. Such relationships have significant potential to help children to develop and express themselves in an open and secure way. Positive adult-child relationships will result in growth, development and fulfilment for all those involved in children's sport.

LSP recognises the importance of this critical relationship and has put in place codes of conduct for adults and for children to establish and maintain a safe environment for children. Guidance is also provided below in respect of the key elements of the adult child relationship in a sporting context. Adult-child relationships in sport should be:

- Open, positive and encouraging.
- Entered into by choice.
- Defined by a mutually agreed set of goals and commitments.
- Respectful of the creativity and autonomy of children.
- Carried out in a context where children are protected and where their rights are promoted.
- Free, as far as practicable, from physical, emotional or sexual abuse and neglect or any threat of such harm.
- Respectful of the needs and developmental stage of the child.
- Aimed at the promotion of enjoyment and individual progress.
- Governed by a code of ethics and good practice in sport that is agreed and adhered to by all members of the sports club/organisation.
- Respectful, but not unquestioning of authority.
- Mindful of the fact that children with disabilities may be more vulnerable.

## 5. CODES OF CONDUCT

### 5.1 Code of Conduct for Children

This code of conduct aims to ensure that children and young people who interact with LSP staff/volunteers are aware of what is expected of them and feel safe, respected, and valued. The code of conduct aims to:

- Identify acceptable and unacceptable behaviour.
- Encourage cooperation, fairness, honesty, and respect.
- Encourage children and young people to recognise and respect the rights of others.
- Encourage children and young people to take responsibility for their own behaviour.
- To assist with conflict resolution and to give clarity as to the outcome if this code is not followed.

#### 5.1.1 Guidance for children attending events:

- Cooperate with others.
- Listen to others.
- Treat everyone with respect.
- Take responsibility for your own behaviour.
- Talk to a responsible adult about anything that you may be worried or concerned about.
- Follow this code of conduct and other guidance, including the law.

#### 5.1.2 Guidance for children and young people:

Children and young people should not:

- Be disrespectful to others.
- Bully others whether online or offline.
- Behave in an intimidating manner to others.
- Be abusive to anyone either verbally or physically.
- Take banned substances to improve sporting performance.

#### 5.1.3 Compliance with code of conduct

If children do not follow this code of conduct the following will apply:

- If a child acts inappropriately while attending a LSP event, they will be asked to comply with the code of conduct.
- If this behaviour continues after the first reminder or if it escalates the incident will be recorded and the parent/guardian will be informed



- When dealing with a disruptive child it is recommended that where possible more than one staff or responsible adult is present.

#### **5.1.4 Engaging a child exhibiting disruptive behaviour**

It is important to deal with such situations calmly and quietly and to avoid putting yourself or others in danger. When dealing with a disruptive child it is recommended that, when possible, more than one staff or volunteer be present. In extreme cases where staff have concerns about their own safety or the safety of a child, it may be necessary to call An Garda Síochana.

Positive behaviour is always expected from children while attending LSP events. Parents/guardians, or if in a school group, their teachers, supervisors, and the school which they attend are expected to take responsibility for the behaviour and safety of children, while at an event. Where a child attends an event independently, positive behaviour is equally always expected.

If a young person continues to behave in an unacceptable manner, they will be asked to leave the event immediately where appropriate and safe to do so. This will have regard to the age of the child and their level of understanding. The child's parents/guardians will be phoned (where contact details are available) and a letter will be sent to the child's parents or guardian outlining the incident and confirming why the child was asked to leave the event.

An Garda Síochana should be notified to deal with disruptive children/ young people who refuse to leave the event and continue to be disruptive. All instances of disruptive behaviour that require the intervention of a staff/volunteer, and which put at risk the safety and well-being of others, must be recorded.

#### **5.1.5 Reporting a disruptive incident**

An incident report form shall be completed (See Appendix). The report of a disruptive incident shall describe the following:

- What happened?
- Who was involved?
- Where and when it happened?
- What was said, if significant?
- The duration of the incident?
- Any injury to person or property?
- How was the situation resolved?

### **5.2 Code of Conduct for leaders who are staff or volunteers**

This code of conduct outlines the conduct LSP requires from all staff and volunteers in their contact with children accessing events. The code of conduct also extends to third party entities/bodies who work in partnership with LSP to deliver services. The code of conduct aims, as far as practicable, to assist LSP in protecting and safeguarding children, in contact with their services, from abuse or harm.

The named person will ensure that everyone involved in the delivery of LSP services has seen this code, understood, and agreed to follow the code of conduct. All such persons will sign a declaration that they have read these procedures, associated appendices, and the child safeguarding statement. In signing this declaration, they will also agree to abide fully with the contents of the documents. Staff and volunteers will also be made aware of the possible disciplinary and/or criminal consequences of breaching this code of conduct.

This code of conduct applies to all staff and volunteers who interact on a regular and planned basis with children in the performance of their duties and/or may have unplanned contact with children during their work activities. The code sets out the following guidance for staff and volunteers when in contact with children attending LSP events:

- That a child's welfare and safety is paramount.
- To treat all children fairly and without prejudice or discrimination.
- That a child accessing a LSP event has a right to be safe and feel safe.
- That a child should be able to make a complaint by using a child friendly process.
- To listen to and respect children.
- To provide positive encouragement, support, and praise to children.
- To have due regard to cultural differences.
- To be alert and tackle inappropriate behaviour in others, including peer to peer behaviours without undue delay, particularly incidents of suspected bullying.
- To take care that language is not open to sexual or racist connotations. If language used may have caused offence to a child, this should be addressed with them in a sensitive manner.
- To treat all children as individuals.
- To respect a child's personal space.
- To be aware of a child's limitations.
- To use age-appropriate teaching/learning and communication aids when required.
- To lead by positive example when interacting with children and young people.
- To work towards creating an atmosphere of trust with children.
- To respect and be aware of differences in gender, sexual orientation, culture, race, ethnicity, disability and religious belief systems between yourself and others.

- If personal information is known in respect of a child, this must be kept confidential and will only be shared on a need-to-know basis.

### **5.2.1 Staff or Volunteer engagement with children**

Staff/volunteers should not do the following in respect of their engagement with children:

- Allow allegations or concerns in respect of possible abuse or harm to children to go unreported. Reporting includes abusive behaviour being displayed by an adult or child and directed at a child.
- Smoke, consume alcohol or use illegal substances when interacting with children during working hours.
- Spend excessive amounts of time alone with a child or children during working hours or volunteer hours.
- Transport children, attending LSP events, on journeys alone in a vehicle without the consent of the parent/guardian. Excepting in an emergency situation.
- Take children from the work environment to the staff member's home.
- Take a session alone.
- Be in a one-to-one situation with a child. However, if a child needs to talk separately to an adult this should be done in an open environment in view of others whilst respecting the child's privacy.
- Use or allow offensive or sexually inappropriate physical contact and or verbal language with children.
- Single out a particular child they have contact with through their work environment for unfair favouritism, criticism, or ridicule.
- Hit or physically chastise children.
- If physical contact is an inherent part of an activity to not seek consent of the child/young person in relation to physical contact (excepting an emergency or highrisk situation).
- Another adult should be involved in any demonstrations that require physical contact.
- Take measurements or engage in certain types of fitness testing with a child without the presence of another adult.
- To be involved in horseplay or inappropriate touching of children.
- Reveal personal information about children where you are not concerned about possible protection or welfare concerns which may require contact with Tusla and/or An Garda Síochana.
- Collude with any person to suppress child protection or welfare concerns.

### **5.2.2 Actions to be taken by staff and volunteers**

Staff and volunteers must also ensure that the following actions are also taken to safeguard children:

- If a child is left at a LSP event after finishing time the senior manager on site is to immediately contact the parent/guardian. If no parent/guardian responds or can be contacted, An Garda Síochana are to be informed.
- When at an event if requested to direct a child to the toilet, staff/volunteers should not accompany the child into the toilet, excepting a child that has a disability and may require or request assistance.
- In a difficult situation involving a child, try and ensure another member of staff is present.
- Do not accompany a child outside of the event area in search of a parent/guardian. Keep them safe until a parent or carer returns.
- Contact An Garda Síochana if you have cause to believe that a child has been abandoned/forgotten or may be at possible risk of harm.
- Do not make arrangements to directly contact a child related to work-based activities either by phone or through electronic or social media.
- Do not carry out tasks of a personal nature for a child that the child could do for him/herself.
- Ensure that clear child friendly guidance exists for children and their primary carers to be able to communicate with and access staff if they have a complaint.

## **6. SUPERVISION OF CHILDREN**

LSP recommends that as a minimum standard organised groups of children attending events should apply the following adult to child ratios below. National Governing Bodies may have specific guidelines for the type of sport or activity. Please refer to sector specific guidelines in this case.

- 0 to 1 year - 1 staff or volunteer to 3 children.
- 1 to 2 years - 1 staff or volunteer to 5 children.
- 2 to 3 years - 1 staff or volunteer to 6 children.
- 3 to 6 years - 1 staff or volunteer to 8 children.
- 7 to 12 years- 1 staff or volunteer to 8 children.
- 13 to 18 years- 1 staff or volunteer to 10 children.

## **7. MEASURES FOR PARTNER ORGANISATIONS**

LSP may partner with groups such as schools or sports clubs for events, such bodies need to ensure the following measures are in place:

- That the body has in place a Children First compliant protection and safeguarding of children policy and procedures.
- That a safeguarding children risk assessment has been completed in respect of the activity.
- That the relevant staff and/or volunteers present are appropriately trained, qualified, and vetted.
- That they have appropriate and gender balanced supervision in place
- That they have appropriate ratios of adults to children to maintain safe supervision levels (see above).
- That appropriate insurance is in place.
- That the parents/carers have been informed in writing and briefed in respect of the details of the activity and given written consent for their child / young person to participate.
- **Event booking form is completed in all circumstances where organised groups of children under the age of 18 will be attending LSP events (Appendix)**

### **7.1 Leaders' responsibilities at events**

A leader's specific responsibilities at an event are to be familiar with and follow the required procedures in the LSP Child Safeguarding Policy document and to carry out agreed duties and responsibilities understanding that the welfare of children and vulnerable persons is paramount. They must also be qualified for the position and keep up to date with required knowledge and skills. The leader must create a safe environment for children and vulnerable persons by:

- Planning and preparing appropriately for sessions.
- Adhering to the adult / child or vulnerable adults' ratios.
- Making sure all levels of participation are appropriate to development stage with the setting of age appropriate and realistic goals.
- Ensuring all equipment is checked prior to session and that any necessary protective equipment is used by participants.
- Keeping attendance records.
- Keeping a record of any relevant medical conditions of the participants.
- Keeping a record of or having access to emergency contact numbers for parents and guardians.
- Ensuring that there is a First Aid kit at all sessions and keep a record of injury(s) and actions taken. Contacting the participants parents and keep them informed of all details.
- Keeping a brief record of problem/actions/outcomes if behavioural issues arise.
- Reporting any concerns in accordance with this policy reporting procedures.
- Ensuring the conduct of the game is fair and safe.
- Ensuring parents/guardians are present at finishing time of sessions or events.

- Ensuring that children or vulnerable persons are not left unattended or unsupervised.

## 8. PHYSICAL CONTACT

Physical contact during sport should always be intended to meet the child's needs, **not** the adults. Appropriate physical contact may be required to assist in the development of a skill or activity or for safety reasons e.g. to prevent or treat an injury. This should be in an open environment with the permission and understanding of the participant.

### 8.1 When is physical contact appropriate in sport?

Contact should be determined by the age and developmental stage of the participant, don't do something that a child can do for themselves. Physical contact between adults and children in sport should take place only when necessary to:

- Develop sports skills or techniques.
- Treat an injury.
- Prevent an injury or accident from occurring.
- Meet the requirements of the sport.
- Comfort a distressed child or to celebrate their success.

### 8.2 Good principles to follow:

- Adults should explain the nature of and reason for the physical contact to the child.
- Unless the situation is an emergency, the adult should ask the child for permission, for example to aid the demonstration a specific sports technique.
- Sports clubs and coaches should provide an induction for new young members and their parents/carers that covers guidance about any physical contact that will be of that activity. The reasons for the physical contact and the nature of the physical contact should be explained and agreed.
- Children should be encouraged to voice concerns they have if any physical contact makes them feel uncomfortable or threatened.
- Contact should not involve touching genital areas, buttocks, breasts or any other part of the body that might cause a child distress or embarrassment.
- Physical contact should always take place in an open or public environment and not take place in secret or out of sight of others.
- Well intentioned gestures such as putting a hand on the shoulder or arm, can, if repeated regularly, lead to the possibility of questions being raised by observers. As a general principal adult in positions of responsibility should not make gratuitous or unnecessary physical contact with children and young people. Resistance from a child should be respected.

### **8.3 Children who need specific assistance due to disability or injury**

In the case of a young person with a disability specific support or assistance may be required. The following guidelines should be followed:

- Efforts should be made to receive as much information as possible on the child to ensure safe inclusion of him/her. There should be clear agreements on what is required.
- Parents/carers or their delegated care providers should be asked to undertake all intimate or personal care tasks for their child. This is not an appropriate role for coaches and others involved in leading activities.
- When children with disabilities are lifted or manually supported, they should be treated with dignity and respect.
- Relevant health and safety guidelines must be followed to ensure the safety of the child and those assisting.
- It is recommended that those assisting receive appropriate training to minimise the risk of injury both to themselves and the child.

### **8.4 Safeguarding risks for children with disabilities**

Safeguarding standards for children with special needs or disabilities are the same as for all children. They have the same rights to be protected from abuse however there are certain factors that can increase their risk of being abused, these include the following:

- Due to their disability some children may be socially isolated and have fewer outside contacts.
- They may have a reduced capacity to recognise, resist or avoid abuse.
- They can be particularly vulnerable to bullying and intimidation.
- They may have communication difficulties which may make it problematic for them to tell staff or volunteers if something is happening to them is of an abusive nature.
- A possible reluctance to accept that children with disabilities can be abused.
- Confusing signs and symptoms of abuse with what may be regarded as behaviour linked with a child's disability and not related to abuse.
- In organising activities for children with disabilities higher adult/child ratios may be required to supervise the activity.
- If a child has specific intimate care needs, they should be assessed prior to involvement in an activity and an agreed action plan put in place by the relevant body.

## 9. LOST OR MISSING CHILDREN

If a child participating in an LSP event gets lost or goes missing LSP will initiate and apply the following procedure:

- Ensure that all other persons involved in the activity are fully accounted for and continue to be supervised appropriately while a search for the child concerned is carried out.
- Notify the person responsible for the activity.
- Notify the LSP manager.
- Immediate action is required in the event of a missing child. Make a note of the circumstances in which the child has gone missing and where he/she was last seen and prepare a detailed physical description of the child, to include their hair and eye colour, approximate height and build and clothing he/she was wearing, as this will be required by An Garda Síochána if they need to be notified.
- Follow Garda guidance if further action is recommended.
- Maintain close and ongoing contact with the parents / guardian / carer, An Garda Síochána and LSP staff and any security, if on site, to aid the early and safe recovery of the lost / missing child.
- Complete an incident report form.
- Ensure that all involved including the parents/guardian/carer, searchers and Gardai shall be informed immediately if at any stage the child is located.
- Each event should have a sign-posted location for lost/missing children so a child can present themselves or adults can go to if their child goes missing.

## 10. MANAGING A CHILD PROTECTION OR WELFARE CONCERN

The necessary elements of managing a concern are:

- Recognising a concern
- Responding to a concern
- Reporting a concern
- Recording a concern

### 10.1 Recognising a concern

Child abuse is categorised as four main types: Neglect, Emotional Abuse/Ill Treatment, Physical Abuse and Sexual Abuse.

**Neglect** is where a child is deprived of adequate food, warmth, clothing, hygiene, supervision, safety, or medical care. The threshold of harm for neglect is where a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.



**Ill treatment** is defined as to abandon or cruelly treat a child, or to cause or procure or allow a child to be abandoned or cruelly treated. Emotional abuse is the systematic emotional or psychological ill treatment of a child as part of the overall relationship between a care giver and a child. The threshold of harm for emotional abuse is reached when a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

**Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. This may occur as a single incident or as a pattern of incidents. The threshold of harm for physical abuse is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography. The threshold of harm for sexual abuse is any concern where reasonable grounds for concern exist that a child has been, is being, or is at risk of being sexually abused. In this context the concern must be reported to Tusla under the Children First Act 2015.

**Note** that in cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a report may be made to Tusla and/or An Garda Síochana.

**Note** that abuse may not always be due to personal contact with a child or young person. Abuse may also occur through use of social media or the use of information and communication technology.

**Appendix references, in detail, recognising child protection and welfare concerns.**

## 10.2 Responding to child protection and/or welfare concerns

If a staff/volunteer becomes concerned that a child's behaviour or presentation suggests that there may be child protection or welfare concerns they will follow LSP Child Safeguarding Policy. In summary this will involve initially contacting the Designated Safeguarding Liaison Person (DSL) of LSP or the Deputy DSL (DDSL) who may then need to inform Tusla, Child and Family Agency via a notification through their portal. In this situation best practice would support the parents/guardians being informed, unless to do so could possibly put the child further at risk or if it could interfere with a possible investigation by An Garda Síochana or it is the considered opinion that it could place the person making the report at potential risk from the family.

LSP has in place a Designated Safeguarding Liaison Person and Deputy Designated Liaison Persons for Children First. The appointment of Designated Safeguarding Liaison Persons (DSLPS) is an essential element of the safeguarding of children in the LSP. They act as a resource regarding children's issues, including reviewing current policies in relation to children, checking all activities are safe and fun, and informing adults of how to deal with any concerns that may arise in relation to the protection and safeguarding of children.

The DSLP should be a member of the LSP Board or have access to the Board (e.g. Senior Manager) and its accompanying documents, to ensure that children's safeguarding interests are kept on, and influence the decisions of, the agenda of the LSP.

The responsibility to safeguard children and to report child welfare or protection concerns, without undue delay, is shared by all LSP staff and volunteers. Tusla must be informed if a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. Unless it is an emergency such reports will not be made without a consultation with a DSLP. If a report is made by a mandated person, the DSLP must be informed of the action.

### **10.3 Primary functions of the Designated Safeguarding Liaison Person**

DSLPS within the LSP safeguarding structure have no responsibility for investigating or assessing child protection and/or welfare concerns within the organisation and have no counselling or therapeutic role. These roles are carried out by the Statutory Authorities as outlined in Children First. The following are the primary functions:

- To receive and consider, in consultation with the person making the report, child protection and welfare concerns and to consider if reasonable grounds exist for reporting to Tusla.
- To ensure that reporting procedures are followed within LSP and their partners. In doing so LSP will ensure that all relevant child protection and/or welfare concerns are referred promptly to Tusla.
- To ensure that all such concerns and the subsequent actions taken by LSP are recorded and retained in a confidential file. This includes recording concerns where it is decided reasonable grounds for concern do not exist and the DSLP does not make a report to Tusla.
- To ensure that a secure and centralised system is in place to manage and store confidential records of concerns of a child welfare or protection nature.
- To be available for advice and guidance when someone is unsure about reporting a concern.
- Where necessary to carry out informal consultation with the Tusla duty social work service in respect of a concern.

- To ensure that a working relationship is established with An Garda Síochana and Tusla in respect of liaison arrangements for child protection and welfare concerns.
- To develop procedures for liaison between the Designated Safeguarding Liaison Person, Deputy Designated Safeguarding Liaison Person and the mandated persons, if applicable, in relation to child protection and welfare concerns. This is with regard to concerns that come to the notice of mandated persons.
- Where requested to jointly report with a mandated person.
- To inform, with the person making the report, the child's parents/guardians that a report is to be submitted to Tusla or An Garda Síochana unless:
  - Informing the parent/guardian is likely to endanger the child or young person.
  - Informing the parents/guardians may place the reporter at risk of harm from the family.
  - The family's knowledge of the report could impair Tusla's ability to carry out an assessment or interfere with a Garda investigation.

#### 10.4 Reasonable grounds for concern

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. Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.

The following extract from the Children First Practice Handbook sets out examples, which are by no means an exhaustive list, of reasonable grounds for concern to report to the Child & Family Agency:

- An injury or behaviour which is consistent both with abuse and with an innocent explanation but there are corroborative indicators supporting the concern that it may be a case of abuse.
- Consistent indication, over a period that a child is suffering from emotional and physical neglect.
- Admission or indication by someone of an alleged abuse.
- A specific indication from the child that he or she was abused.
- An account from a person who saw the child being abused.
- Evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to be caused in any other way.

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

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

The Child and Family Agency has a statutory obligation to identify children who are not receiving adequate care and protection, to provide family support services and, where necessary, to take children into the care of the Child and Family Agency. People who report concerns need to be assured that their information will be carefully considered with any other information available, and a child protection assessment will only proceed where sufficient risk is identified.

### **10.5 Responding to a child/young person who discloses abuse**

In responding to a disclosure of abuse by a child the following guidance should be followed:

- Remain as calm as possible.
- Listen to the child and give them time to share their concerns.
- Try not to show any feelings such as anger or disbelief.
- Accept the child's story. Note that false disclosures by children are rare.
- Reassure the child that they have taken the right step in disclosing.
- Avoid asking leading questions.
- Advise the child that you cannot guarantee to keep confidentiality as you may need to share relevant information with Tusla and/or An Garda Síochána.
- Keep a record of the conversation and record the actual words used by the child.
- Reflect back to child what you think you have heard, and, in the words, they used to you.
- Do not make any comments about the alleged abuser.
- Do not make any attempt to confront the alleged abuser.
- Ensure the child is aware of what may need to happen next in terms of the process.
- Inform the DSLP immediately with a view to appropriate notifications to the statutory authorities.

### **10.6 Responding to an adult who discloses childhood abuse**

In responding to a disclosure of childhood abuse by an adult the following guidance should be followed:

- Establish whether there is any current risk to children from the alleged abuser e.g., is this person still alive and do they have contact with children.
- Advise that you cannot guarantee to keep confidentiality as you may need to share information with Tusla and/or An Garda Síochana.
- Reports of retrospective child abuse are assessed by Tusla. (See appendix **Retrospective Abuse Report Form**)
- Inform the DSLP immediately with a view to appropriate notifications to the statutory authorities.

In responding to a person who admits abusing a child the following guidance should be followed:

- This information cannot be kept confidential.
- Inform the DSLP immediately with a view to appropriate notifications to the statutory authorities.

#### **10.7 Responding to child abuse allegations made against a child by another child**

In responding to an allegation of child abuse made against a child by another child the following guidance should be followed:

- Note that this type of abuse may be called peer abuse.
- Inform the DSLP immediately with a view to appropriate notifications to the statutory authorities.
- If reports are to be made, they should be made in respect of both children individually.

#### **10.8 Responding child abuse allegations made against staff/leaders or volunteers**

The following issues should be taken into consideration when responding to allegations made against staff/leaders or volunteers:

- The concern may relate to possible harm to a child.
- The concern may relate to a possible criminal offence.
- An adult's behaviour may suggest that person may pose a risk of harm to a child.
- The adult's behaviour may be a breach of the code of conduct for adults in respect of children.
- The behaviour may be contrary to professional practice guidelines.

**Note** that in such cases the reporting system to Tusla is to be followed with the DSLP and the internal HR procedures will also be initiated. The DSLP is to ensure



that the chairperson of the DLP board or their designate is advised of such concerns.

The key principles to be followed in responding are as follows:

- Priority will be given to protecting the child/young person while at the same time taking account of the staff/leader or volunteer's right to due process. The fact that protective measures may have been taken does not presume guilt.
- The same person in LSP should not have the responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.
- The Laois Sports Partnership reporting procedures for the reporting of child protection and welfare concerns will be followed by the DSLP and/or deputy DSLP.
- Any action taken will consider the applicable employment contract and the rules of natural justice.
- It will be to the benefit of everyone concerned that a timely resolution to the allegation is achieved.
- The agreed procedures for dealing with allegations of abuse against staff or volunteers should be applied objectively and in a consistent manner.
- All elements of the process will be recorded, including any liaison with the statutory agencies.
- LSP will ensure that any actions or investigations by them do not compromise or prejudice any statutory investigation by An Garda Síochana or assessment by Tusla.
- Close liaison will be maintained between LSP, An Garda Síochana and Tusla. The DSLP will be the liaison person for LSP with the statutory agencies.

Responses by LSP will include:

- The DSLP will be informed of the allegation, if not previously known.
- The DSLP will inform the Chairperson of LSP or their designate of the allegation.
- The DSLP will follow the agreed procedures for reporting child protection and welfare concerns.
- In making an immediate decision about the employee's or volunteer's presence in the work environment the Senior Manager will as a matter of urgency take any measures necessary to protect the child/young person. Such measures should be proportionate to the level of risk to the child/young person and do not presume any finding of guilt.
- Any action taken by LSP will be guided by the agreed internal procedures i.e. Grievance and Disciplinary procedures (See Staff Handbook), the

applicable contract of employment and the rules of natural justice, where appropriate.

- The support contact person and the DSLP will inform the staff or volunteer, privately, that an allegation has been made against him/her and the nature of the allegation. The staff or volunteer will be given an opportunity to respond to the allegation both verbally and in writing. The timing of such a meeting and the level of information sharing may be dependent on the status of any possible criminal investigation by An Garda Síochana or assessment by Tusla in particular.
- The DSLP should record the response of the member of staff to the allegation and pass on this information to Tusla via the DSLP if making a formal report to that statutory body.
- Formal inter agency meetings will be requested by LSP with Tusla and An Garda Síochana to ensure effective liaison takes place in respect of the allegation and the necessary follow up actions.
- It should be noted that the requirements of fair procedure and natural justice will result in Tusla not sharing the details of any assessment against a staff member or volunteer until he/she has had an opportunity to respond fully to the allegation and any findings or decisions by Tusla.

## **10.9 Responding to a person dissatisfied with how their allegation was dealt with**

LSP has a Complaints policy in place, which is available on the LSP website for children and parents to access, as well as staff and volunteers. Any review of a complaint in terms of how a child abuse allegation was processed must involve the DSLP of LSP, excepting if that person or their deputy is the subject of the complaint. This policy may also be accessed by persons who wish to make complaints in respect of children that may not be of a child protection or welfare nature. Examples of such complaints may include breaches of the codes of conduct which are deemed not to be child protection or welfare concerns. If necessary, the DSLP will consult with HR and/or Tusla if it is deemed necessary during the management of such a complaint.

## **11. TALKING TO PARENTS/GUARDIANS ABOUT A CONCERN**

The Children First Act 2015 does not place a legal responsibility on the person making the report to advise a family that such a report has been made under the legislation to Tusla. However, it is the view of LSP that it is good practice to do so and where possible the person making the report and/or the Designated Safeguarding Liaison Person should tell the family that a report is being made to Tusla and the reasons for doing so.

It is not necessary to inform the family that a report is being made if by so doing the child may be placed at further risk or where the family's knowledge of the report being made could impair Tusla's assessment process. In addition, the family may not be informed if it

is the reasonable opinion of the person making the report that they may be at risk of harm from the family if the family were advised of the reporting to Tusla.

If the parents/guardians are to be met to be informed about the fact that a concern has been reported the following guidance should be considered:

- Make sure, as far as practicable, that parents/guardians have prior knowledge and awareness of LSP guiding principles, procedures and duties to safeguard children and young people.
- In contact with parents/guardians clearly explain the nature of the concern, for example, by using information and records of observations made.
- Consider who is best placed to have this conversation with the parents/guardians e.g., good practice suggests that it should be the person making the initial report and the DSLP.
- Take an approach which is positive and that everyone is working towards what is in the best interests of the child.
- Ensure that the approach to the parents/guardians is supportive but also ensure the concern is made clear to all in the discussion.

## 12. REPORTING CHILD WELFARE AND PROTECTION CONCERNS

The following steps will be taken by Laois Sports Partnership in responding to and reporting child protection and welfare concerns:

### Step 1

On receipt of a concern a staff member/leader or volunteer will immediately report the details to the LSP DSLP or their deputy. This information should be relayed to the DSLP using the Tusla Child Protection and Welfare Report Form ([Appendix 9](#)) If there is an immediate risk to a child, the safety and welfare of the child is paramount. The DSLP in that situation may after consultation with the initial reporter make an immediate report to Tusla (in person) or the Gardaí, if Tusla are unavailable.

### Step 2

The DSLP will consult with the person who raised the concern with a view to deciding if reasonable grounds for concern exist to report. Informal consultation can take place between the DSLP and the Tusla duty social work service (Such a consultation must be recorded). This consultation will be with a view to assisting the DSLP in terms of deciding whether reasonable grounds for concern exist to report to Tusla.

### Step 3

If reasonable grounds for concern are deemed to exist, the DSLP will report the concern to Tusla without any undue delay via the Tusla portal.

### Step 4



If the DSLP is of the view that a report should not be made to Tusla then the staff member/leader/volunteer must be given a written explanation for this decision. In this situation the staff member/leader/volunteer can still make their own report to Tusla or An Garda Síochana if they are of the view that reasonable grounds for concern do exist. They have protections from the Protection of Persons Reporting Child Abuse Act 1998 in making such an independent report in good faith.

### **Step 5**

A confidential file will be created and held securely by the DSLP in respect of any child welfare or protection concern/suspicion that comes to the attention of LSP. This will be a record of all actions taken and all relevant correspondence issued and received by LSP in respect of the concern.

### **Step 6**

Concerns that do not initially meet reasonable grounds for concern may upon review show patterns or trends which may raise the level of concern to the extent that the DSLP may decide that reasonable grounds for concern do now exist and that Tusla should, at that time, receive a report.

To facilitate this process the CEO of the LSP should:

- Have the contact details for the local Child and Family Agency Duty Social Work Department and the Local Garda on file.
- Have the Child and Family Agency Standard Form for Reporting Child Protection and/or Welfare Concerns available on the LSP network or [www.HSE.ie/go/childrenfirst](http://www.HSE.ie/go/childrenfirst). (or see Appendix).
- Ensure the details of the Tusla portal are known to all staff and leaders in respect of submitting child protection or welfare concerns.
- Ensure that each staff member and adult leader working with children and vulnerable adults has completed a Child Welfare and Protection Basic Awareness course.

Under no circumstances should any individual employee or leader working with LSP attempt to intervene or deal with the problem of suspected child abuse alone.

### **Reporting concerns in an emergency**

In an emergency where the considered opinion is that there is an immediate risk to a child's health or welfare and the Designated Safeguarding Liaison Person or their Deputy, or Tusla, cannot be contacted a report should be made directly to An Garda Síochana. Following such an action the standard report form should be forwarded to the Designated Safeguarding Liaison Person with a view to submission to Tusla as per normal procedures on the next working day.

The information to be provided to An Garda Síochana by the person making such an emergency report is as follows:

- Child's name, address, and age.

- The names and addresses of parents or guardians.
- Name/s, if known, of who is allegedly harming the child or not caring for him/her appropriately.
- A detailed account of the grounds for concern (e.g., details of the allegation/s, dates of incidents, location/s of incident/s, description of any injuries or possible bruising).
- Current location of the child.
- Names of other children in the household, if known.
- Name of the school the child attends, if of school age, if known.

### **13. FALSE ABUSE ALLEGATIONS**

In working with or having contact with children, staff and volunteers on some occasions can be subject to false allegations of abuse. These may be due to a misunderstanding of what took place or a genuine mistake. It is therefore good practice that any allegation of abuse against a staff member or volunteer is dealt with sensitively. In addition, support should be made available by LSP for both the person against whom the allegation has been made and for the person who reported the alleged abuse. Throughout the process of responding to the allegation appropriate levels of confidentiality will also be maintained, in the interests of the child/young person and the person against whom the allegation has been made.

### **14. PROTECTED DISCLOSURES**

Staff and volunteers of LSP have guidance available in respect of protected disclosures in the LSP Protected Disclosures Policy ([Staff Handbook](#)). This document provides guidance for staff and volunteers in respect of the internal and external reporting of wrongdoing and the legal protections of reporting under the Protected Disclosures Act 2014. In the context of safeguarding children, it remains the responsibility of the individual staff member or volunteer to bring matters of concern forward to the appropriate person within the LSP structures. This may prevent a child from remaining in a situation where there is a risk of abuse.

### **15. ANONYMOUS REPORTS**

Designated Safeguarding Liaison Persons when making a report to Tusla or An Garda Síochana must comply with the requirements of this policy and procedures, thereby not report anonymously. The same principle is applied to the staff/leader or volunteer who makes the initial report to the DSLP. Under the Freedom of Information Acts anonymity should never be promised as it cannot be guaranteed.

It is also not possible for mandated persons to submit a report of a mandated concern anonymously as to do so would not discharge the statutory obligations for a mandated person under the Children First Act 2015.

## **16. MALICIOUS REPORTS**

Malicious reports have the potential to cause harm to the named child and the person/s identified as the alleged abuser/s. The Protection of Persons Reporting Child Abuse Act 1998 has introduced an offence of false reporting of child abuse where a person makes a referral of child abuse to the appropriate authorities “knowing that statement to be false”. If any staff or volunteer is concerned that a report is malicious they should initially bring it to the notice of the DSLP.

## **17. RECORDING CHILD PROTECTION AND/OR WELFARE CONCERNS**

When child abuse or neglect is suspected, it is essential that a written record of all the information created is maintained by LSP. Therefore, LSP staff/leaders or volunteers reporting a concern to the DSLP shall be expected to provide as detailed an account as possible of the concern by completing the TUSLA Child Protection and Welfare Report form. All written records created must be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record. All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the DSLP for secure storage and appropriate action. The reporter and DSLP may subsequently be invited to attend a child protection conference or any proceedings where the matter is being assessed by TUSLA and/or being investigated by An Garda Síochána as to whether a crime may have been committed.

## **18. MANDATED PERSONS**

Mandated persons are persons who have ongoing contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children and young people from harm. Professionals who may not work directly with children, such as those who work in adult counselling or psychiatry, are also mandated persons. The Children First Act 2015 contains a list of mandated persons. The full list is available in [Appendix](#) of this document.

### **18.1 Reporting mandated concerns of harm**

Under the Children First Act 2015 mandated persons are required to report any concern that meets or exceeds the threshold for reporting harm to a child under the legislation. If reporting is to be made independent of the Designated Liaison Person, the mandated person should inform the DSLP that a report has been made.

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Safeguarding Liaison Person on their behalf. The Children First Act 2015 requires that LSP maintains a list of mandated persons on the staff, if applicable.

Staff who are mandated persons under this Act should be made aware of their responsibilities at the start of their employment with LSP.

## 18.2 Legal obligations of a mandated person

Mandated persons have two main legal obligations under the Children First Act 2015:

- To report the harm of children above a defined threshold to Tusla.
- To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.
- 

The Children First Act 2015 requires that mandated persons report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. They are also required, if requested, to help Tusla in assessing a concern which has been the subject of a mandated report.

The Children First Act 2015 defines harm as:

- “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 of the child,

whether caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances or otherwise.”

### **Section 14(1) of the Children First Act 2015 states:**

*“where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child –*

- has been harmed.
- is being harmed, or
- is at risk of being harmed.

*he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency” (Tusla)*

**Section 14 (2) of the Children act 2015 also places legal obligations on mandated persons to report any disclosures made by a child,**

*“Where a child believes that he or she –*

- (a) has been harmed.
- (b) is being harmed, or
- (c) is at risk of being harmed.

*and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a person, the mandated person shall, as soon as practicable, report that disclosure to the Agency” (Tusla)*

### **18.3 The threshold of harm**

The threshold of harm for mandated persons reporting for each of the four main types of child abuse is as follows:

#### **Neglect**

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

#### **Emotional Abuse/ ill treatment**

Ill-treatment is defined as ‘to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.’ Emotional abuse is covered in the definition of ill – treatment in Part 1 section 2 of the Children First Act 2015. The threshold of harm at which a mandated person must report to Tusla under the Children First Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

#### **Physical Abuse**

Physical abuse is covered by the references to assault in the Children First Act 2015. The threshold of harm at which a mandated person must report to Tusla under the Children First Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted to the point where the child’s health, development or

welfare have been or are being seriously affected, or are likely to be seriously affected.

### **Sexual Abuse**

Sexual abuse to be reported under the Children First Act 2015 (as amended by Section 55 of the Criminal Law (Sexual Offences) Act 2017) is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

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

**Note:** As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, the mandated person must submit all concerns about sexual abuse as a mandated report to Tusla. The one exception to this is in respect of certain consensual sexual activity. The exemptions in respect of reporting underage consensual sexual activity are set out in detail under Section 14(3) of the Children First Act 2015.

#### **18.4 Steps by mandated person**

The following steps are to be taken by a mandated person in making a mandated report to Tusla:

- (1) A concern that a child may have been harmed, is currently being harmed or may be harmed becomes known to the mandated person. The mandated person is of the view that the threshold for making a mandated report is met or exceeded.
- (2) A child protection and welfare report form is completed in respect of the concern and forwarded to Tusla, as soon as practicable via the Tusla portal, indicating clearly that this is a mandated report. The mandated person may also first consult with Tusla if the mandated person is in doubt that the concern meets the threshold for a mandated report. Such consultation must be recorded by the mandated person. The mandated person should receive a response from the Tusla portal formally acknowledging receipt of the report. Once the report form is received by Tusla a child protection assessment should commence if a sufficient level of risk is identified.
- (3) The mandated report must be copied internally to the Designated Safeguarding Liaison Person of LSP as per procedure.

#### **Note:**

As stated above, it will be best practice within LSP that mandated reports when made are brought to the attention of the Designated Liaison Person.



The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Safeguarding Liaison Person on their behalf.

Mandated persons can make a joint report with the Designated Safeguarding Liaison Person or another person, mandated or otherwise.

If LSP or the DSLP do not wish to report to Tusla, the mandated person should still proceed with the report if the defined threshold for reporting has been met or exceeded. In this case the provisions of the Protection for Persons Reporting Child Abuse Act 1998 apply.

If the mandated person has a concern that they believe does not reach the threshold for a mandated report they must consider whether the concern meets reasonable grounds for concern. The concern will then be reported to the DSLP if the mandated person is of the view that reasonable grounds for concern exist.

If a mandated person is in doubt as to whether the concern reaches the legal definition of harm for making a mandated report, the Tusla duty social work service can be approached to give advice in this regard. The decision to report remains the individual responsibility of the mandated person. Any advice received must be recorded on the confidential file which will have been created by the DSLP.

Mandated persons who receive a disclosure of harm from a child/young person which meets or exceeds the thresholds set out in Children First: National Guidance for the Protection and Welfare of Children 2017 are required to make a mandated report to Tusla. It is not required of the mandated person that they would assess the accuracy or credibility of the child's claims.

As noted previously in this document under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If the mandated person is of the view that the child is in immediate danger and direct contact with Tusla cannot be established, An Garda Síochana should be contacted. A mandated report should then be made to Tusla on the next working day by the mandated person.

The same concern should not be reported more than once. If, however, additional information comes to the attention of the mandated person in respect of the reported concern this should be considered and forwarded to Tusla without undue delay in the form of a further report.

The legal obligation to report under the Children First Act 2015 applies only to information that a mandated person acquires in the course of their professional work or employment. It does not apply to information acquired outside of their employment, or information given to them in respect of a personal rather than a professional relationship.

Reporting requirements under the Children First Act 2015 only apply to information that a mandated person has received or become aware of since the

Act came into force, irrespective of whether the harm occurred before or after the commencement of the section related to mandated reporting. However reasonable concerns about past abuse where information came to the notice of the professional prior to the Act where there is a possible continuing risk to children can be reported to Tusla under Children First: National Guidance for the Protection and Welfare of Children 2017

Mandated persons cannot report a concern anonymously and if they do so they are not in compliance with their obligations under the Children First Act.

### **18.5 Informing a family that mandated report is being made**

The Children First Act 2015 does not place a legal responsibility on the person making the mandated report to advise a family that such a report has been made under the legislation to Tusla. However, LSP regard it as good practice to do so and where possible the person making the mandated report plus a second person, if it was a joint report, should meet the family to advise them that a report is being made to Tusla and the reasons for doing so.

It is not deemed necessary to inform the family that a mandated report is being made if it is the reasonable opinion of the reporter that by so doing the child may be placed at further risk or where the family's knowledge of the report being made could impair Tusla's assessment process or a criminal investigation by An Garda Síochana. A family may also not be informed if it is the reasonable opinion of the person making the report that they may be at risk of harm from the family if the family were advised of the reporting to Tusla.

### **18.6 Consequences of non-reporting by the mandated person**

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are possible consequences for a failure to report. If after an investigation by Tusla it emerges that the mandated person did not make a mandated report and a child was subsequently left at risk and harmed, Tusla may:

- Make a complaint to the Fitness to Practice Committee of a regulatory body of which the mandated person is a member.
- Pass information about the mandated person's failure to make a report to the National Vetting Bureau of An Garda Síochana. This information can therefore be disclosed to the mandated person's current employer or a future employer when that person is next vetted by the National Vetting Bureau.

**Note:**



LSP may consider a failure to report a child protection or welfare concern as a disciplinary matter for a member of staff. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under this Act is a criminal offence. This obligation is in addition to any obligations placed on mandated persons under the Children First Act 2015.

### **18.7 Mandated Assisting**

As noted earlier, the Children First Act 2015 also places a statutory requirement on mandated persons to assist Tusla in the assessment of risk of mandated reports, when requested to do so. Such assistance should be as deemed necessary and proportionate, with a view to assisting Tusla in assessing the risk to a child arising from the mandated report. A mandated person must comply with this request from Tusla, regardless of who made the mandated report. Mandated assistance may include, for example, a request to provide further information or attend a meeting in relation to a mandated report.

Information may be shared by Tusla with the mandatory reporter to enable their assistance. This information cannot be shared by the mandatory reporter with any third parties, and such disclosure is subject to criminal sanction.

### **18.8 Information Sharing**

The Data Protection Acts of 1998 - 2018 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is undergoing a risk assessment with a mandated person who has been asked to help. In doing so, Tusla must only share with the mandated person what is necessary and proportionate in the circumstances of each individual case.

**Note:** As noted above Section 17 of the Children First Act 2015 makes it an offence if a mandated person discloses information to a third party which has been shared by Tusla during an assessment, unless Tusla has given the mandated person written permission to do so. Failure to comply with this section may make the mandated person liable to a fine or imprisonment for up to six months or both. This offence can also be applied to the mandated person's employer.

### **18.9 Protection from civil liability**

If a mandated person is required to share information with Tusla when assisting in the assessment of risk to a child, the mandated person is protected from civil liability.

Section 16 (3) of the Children First Act 2015 states:

*‘If a mandated person furnishes any information (including a report) document or thing to the Agency (Tusla) pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.’*

## 19. CONFIDENTIALITY

LSP is committed to protecting a person’s right to confidentiality. However, considerations in respect of confidentiality will not overrule a child’s right to be protected. It is not a breach of data protection or confidentiality to provide information with the intention of protecting a child. On that basis LSP undertakes to:

- Where child protection and welfare concerns arise, to share personal information on a ‘need to know’ basis, in the best interests of the child, with the relevant statutory authorities and the parents/guardians. Such sharing may require attendance at formal meetings organised by Tusla e.g. child protection conferences or strategy meetings.
- Not to give undertakings regarding secrecy. Those staff members and leaders engaged with or in contact with children should make this clear to parents/guardians and the children themselves.
- To provide information on a proportionate basis to the statutory agencies necessary for the protection of a child.
- To advise children and parents/guardians that personal information is being shared, unless it is the considered opinion that doing so could put the child at further risk or may place the reporter at risk.
- To retain records generated in respect of child protection and welfare concerns in accordance with Data Protection legislation, in a secure setting, managed by the DSLP.
- To respond to breaches by staff or volunteers in respect of the sharing of confidential information which is not related to child protection or welfare concerns which may be regarded as a disciplinary matter.

**Note:** The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability and from possible disciplinary action by an employer to persons who report child protection concerns “reasonably and in good faith “to Tusla or An Garda Síochana.

## 20. SAFE RECRUITMENT

LSP will take all steps to ensure that people working with children on LSP programmes, are suitable and appropriately qualified. Recruitment and selection procedures are therefore necessary, and these procedures apply to all persons recruited including those with substantial access to children.

Safe recruitment requires that LSP will:

- Ensure that all reasonable steps are taken to ensure that all relevant applicants who may pose a risk to children are identified and that an appropriate HR response is initiated prior to any appointment.
- Ensure that persons involved in the recruitment of staff and volunteers are trained appropriately and have the experience to undertake this role.
- Ensure that LSP recruitment procedures are transparent, comply with best practice standards and also comply with the principles of natural justice, data protection compliant record keeping and human resource management.
- Ensure that the recruitment procedures of LSP are inclusive and treat all applicants as having equal status.

## 20.1 Recruitment of staff

The following procedures will apply to the appointment of Staff:

- The relevant interview process, including 2 reference requests will be completed by the Company. This will include a declaration relating to there being no reason why a person would be considered unsuitable to work with or near children and/or vulnerable persons. This declaration should also be in place for adult volunteers involved in LSP activities.
- The successful applicant will be offered employment, post interview, subject to:
  - Appropriate suitable references.
  - Completed relevant interview scoring sheet.
  - Signing relevant employment contract of employment.
  - Where applicable, proof of qualifications.
  - Appropriate Garda vetting, where applicable.
  - Positive proof of identification.

**Note:** Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016. Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with its provisions. LSP will renew Garda vetting for relevant staff and relevant volunteers every 3 years.

**Note:** In terms of other persons providing a relevant service to children with LSP from a third-party organisation, that body is responsible for the Garda vetting of their relevant personnel. If the service provider or volunteer is not associated with a body registered with the National Vetting Bureau for Garda vetting, it may not be possible for LSP to allow their engagement with children only relevant activities. They may however provide or be involved with activities to groups where the presence of children is incidental to the presence of people in general.

For volunteers and adult students on work placements a statement of suitability to work with children must be secured in respect of each individual person.

## 21. WORKING IN PARTNERSHIP

For safe management of events/activities the LSP takes responsibility to:

- Ensure that at LSP sponsored events and activities involving children, the appropriate minimum staff supervision ratio is maintained.
- Ensure that the relevant safeguarding children risk assessment has been completed for the event/activity.
- Ensure that a parental/guardian consent form has been completed and returned for all participating children.
- Ensure that at events, being organised by LSP partner organisations or other agencies, in which LSP is participating, those organisations have in place a child safeguarding statement, together with relevant policies and procedures and that representatives of LSP receive copies of same in advance of the activity commencing.
- Ensure that the partner/s is/are provided with a copy of the LSP Child Safeguarding Policies and Procedures if requested.
- If LSP is the lead agency in any setting then it will be the responsibility of LSP staff to report child protection or welfare concerns to Tusla if they arise. The designated persons of other partner agencies in the setting will be advised by LSP of the notification or of the non-notification as appropriate.
- If LSP is not the lead agency in the setting then it needs to be clear in advance which agency's policy and procedures will be followed in the event of a child protection or welfare concern requiring a response.

## 22. HEALTH AND SAFETY

In considering health and safety specifically in relation to children, the LSP will:

- Ensure that children are not left unattended or unsupervised.
- Ensure that children are not in contact with any dangerous materials.
- Ensure that staff and leaders on LSP programmes are familiar with and comply with LSP procedures in relation to accidents.
- Ensure that staff and leaders on LSP programmes are familiar with and, where necessary, comply with the emergency evacuation procedures particular to the

location of the activity and brief the children in their care on what they are to do and where they must go in an emergency.

- Be familiar with the particular risks associated with the activity and location at which the activity is based.
- When undertaking a risk assessment take account of a child's natural curiosity and include appropriate precautions to safeguard a child's potential exposure.
- Ensure that LSP has relevant information in relation to children as determined by the nature of the activity:
  - For open events (e.g. come and try sessions, open events or festivals) a registration sheet should be used.
  - LSP programmes or activities – a participation form should be completed for each participant (e.g. participant name, parent or guardian name, address, relevant medical information, emergency contact & parental consent in the case of a child).
  - LSP programmes with partners (school, disability group, youth group) – the presence of an adult or group leader from a partner organisation is required with the information in relation to the participants in the group held by that partner.
  - Ensure LSP activities are suitable for age and stage of development of participants.
  - Ensure any necessary protective gear is available to staff, leaders and participants.
  - Keep first aid kit appropriately stocked with contact numbers of emergency services.
  - Ensure easy access to medical personnel if needed and consider the actions required in the case of an emergency.
  - Staff/leaders should hold appropriate qualifications.
  - Ensure there is adequate insurance cover for all activities.

### **23. GENERAL HEALTH AND SAFETY LEGISLATION**

General Health and Safety considerations referenced for children accessing LSP events include:

- Obligations under the Employment Equality Acts (1998 – 2011) and Equal Status Acts (2000 – 2012) must be taken into consideration. In providing services, staff shall not discriminate against any child on the basis of the nine grounds detailed in the Acts.
- Obligations under the Disability Act 2005 shall also be taken into consideration.
- LSP will ensure there is compliance with the requirements of the relevant fire certificates and any recommendations or requirements of the fire authority and any facilities' insurers.
- LSP will ensure that there is awareness of each event location's first aid arrangements.

- LSP will ensure there is an awareness of the emergency evacuation procedures relevant to each event location and ensure that children are also aware of what to do if there is an emergency.

## **24. SAFEGUARDING CHILDREN PLAN**

LSP commits to the following actions in respect of training staff and volunteers in respect of safeguarding children:

- That all relevant post holders within the safeguarding children structure will receive training commensurate with their roles.
- That the induction programme for all LSP staff will include a briefing in respect of the LSP Child Safeguarding Policy and Procedures and the completion of the Tusla e-learning Children First module.
- That all LSP staff will be facilitated to access the Tusla Children First e-learning module and refreshed accordingly.

## **25. SAFEGUARDING CHILDREN COMMUNICATIONS PLAN**

LSP commits to the following actions to ensure that staff, volunteers and the general public are aware of the company's commitment to safeguarding children:

- The child safeguarding statement and the Policy and Procedure will be placed on the LSP Sport website and on the LSP Notice Board located outside our office entrance.
- All LSP facilities will display a child safeguarding notice which references the contact details for the Designated Safeguarding Liaison Person/s and the website link for the child safeguarding statement.
- All relevant partner agencies, including statutory bodies, will be given details in respect of the internet links for accessing the child safeguarding statement and the related policy and procedures.
- Feedback systems will be developed with children, parents/guardians, staff and volunteers to advise LSP as to whether the safeguarding children communication process is working.

## **26. PHOTOGRAPHY**

LSP use of images on its social media, website and/or publications is intended for the positive promotion of sport and LSP activities. LSP is committed to implementing the following steps to ensure that children are protected from the inappropriate use of their image. This is not to prevent parents and guardians taking photographs; it is to ensure that

only those who have a right to take photographs do so. Anyone concerned about photography taking place at an event can contact the leader or DSLP to deal with the matter.

## **27. INTERNET SAFETY**

Children are becoming increasingly sophisticated in their use of communication tools on the internet such as social networking sites, internet enabled camera phones and video and photograph sharing websites. While this technology offers significant opportunities for them to learn, play and to interact with their peers, there can be downsides too. The anonymous and instantaneous nature of the internet can leave people exposed to greater risks from potential sexual predators.

The Office for Internet Safety (OIS) was established in March 2008 as an Executive Office of the Department of Justice and Equality and has primary responsibility for the development and promotion of strategic actions to promote the highest possible levels of internet safety, particularly in relation to combating child pornography. The Office for Internet Safety plays a key role in ensuring a cohesive approach is being taken across Government Departments, State Agencies and other key stakeholders in addressing illegal content on the internet.

The OIS offer a lot of advice and guidance to parents and young people on the safe use of the internet. Any instances of suspected online child abuse should be reported to [www.hotline.ie](http://www.hotline.ie) immediately.

## **28. USE OF MOBILE PHONES/SMART PHONES**

As noted above those whose work with children and young people need to be aware of the opportunities for abuse through the misuse of mobile phones and text messaging. While safe use of such media can be beneficial, we must be vigilant and alert to the possibilities of misuse and consequent harm that can result to young people.

- Staff/Leaders must also take care to protect the children in their care and themselves.
- Staff/Leaders involved in sport should only have children's and young people's mobile numbers if the nature of their involvement requires them to phone or text them.
- Parental permission should be sought if the staff/leader in this role will be contacting children or young people via mobile phone.
- A method of accountability should be arranged e.g. copies of texts could also be sent to the administrator or to parents.
- If a staff/ leader had a child/young person's phone number it should only be used for the purposes it has been given, i.e., the staff/leader should not share this information.
- Texts should be used for the purposes of reminding children or young people about events which are forthcoming.

- If a text turns into a conversation, communications should be ended. A staff/leader can suggest discussing the subject further at the next event or, if they are concerned about the child/ young person, arrange to meet up to talk further (within the child protection parameters).

## 29. SMART PHONES

Smart phones should be used safely and responsibly. Pictures can be very powerful and stir up strong emotions. Smart phone users should respect the private lives of others and not take or distribute pictures of other people if it could invade their privacy e.g. do not use your phone in certain locations; inappropriate use of your camera phone may cause upset or offence to another person in areas such as changing rooms. Staff/leaders and children/young people should not send pictures that are obscene, indecent, or menacing and should be sensitive about other people's gender identity, sexual identity, racial heritage, religion, or personal background. Both staff/leaders and children/young people should be made aware that it is a criminal offence to take, make, and permit to be taken, distribute, show, or possess an indecent or sexually explicit image of a child under 18.

## 30. SOCIAL MEDIA

In all their contacts and communications with children, LSP staff and leaders must be seen to be open and transparent. This is the case whether communications are by traditional means or by electronic means.

**NB: Staff and leaders must not communicate with children or young people via leader's personal social networking profiles, email accounts, or chat rooms.**

If LSP are using/publishing a Social Networking site the following principles will be applied:

- The page/profile must be password-protected, and the password must be held by at least three LSP staff.
- The site should be monitored by a designated supervisor. This person should have access to the login details of the site. This supervisor will be appointed by the Designated Safeguarding Liaison Person of LSP.
- Any inappropriate posts by children/young people or responsible adults should be removed by the designated supervisor. Reasons should then be explained to the person who posted the content. Where possible sites should be monitored before content is put up.
- The site should be kept 'Private' i.e. only permitted members or 'friends' can see what is posted on the site.
- The use of personal addresses and telephone numbers etc, should be avoided as, while sites are 'private', there is the potential for items to be copied and shared.





- Content of any postings should be consistent with the aims of the organisation. In cases of doubt staff/leaders should seek advice from the appointed supervisor.

### **For staff and/or leaders using a Social Networking Site**

- Staff/leaders should not ‘friend’ or ‘follow’ children or young people on social media (Children or young people may ‘follow’ staff/leaders on social media so leaders should make sure any content they post is appropriate).
- Messages left to or from children or young people on social network sites should be written on an open page (e.g. A Facebook ‘Wall’) and not in a private message or by using ‘chat’ [one-on-one].
- Staff/leaders should not network with members of their organisation/group via closed [one-on-one] chats e.g. Facebook messenger, WhatsApp, etc. This should be done only through ‘Group Chat.’
- Any events or activities run by LSP that are organised or publicised on the site should be a closed event to ensure that non-members cannot access the event without suitable permission by the site administrators.
- Any emails sent to children or young people via the site must be sent to at least one other staff/leader. (This can be done by ‘bcc’ if necessary.)
- Staff/Leaders should avoid communicating with children or young people in their organisation/group via email late at night.
- In signing off a post or email staff/leaders should not do so in a way that could be misconstrued or misinterpreted by the recipient. Simply sign your name.
- Parents/carers should be asked to give their written approval for staff/leaders to communicate with their children/young people via social networking sites, or by any other means of internet communications (e.g. email).
- Parental and child’s written permission is required before pictures or videos of children or young people are posted online.
- Any disclosures of abuse reported through a social networking site must be dealt with according to LSP reporting procedures.

### **Website**

- LSP needs to ensure website is managed carefully with particular attention to any links.
- If the site has a discussion board facility, the LSP will ensure care in relation to moderation of comments particularly where children are concerned.

