

# Child Safeguarding Manual 2015

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BROSNA Educational Centres Ltd  
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A statutory Child Safeguarding Statement by Brosna Educational Centres Ltd, *“specifying the service being provided<sup>1</sup> and the principles and procedures<sup>2</sup> to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm.”<sup>3</sup>*

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1 S. 11(1) & (7), Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

2 S. 11(3), Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

3 S. 2, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

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## ABBREVIATIONS & INTERPRETATION

IN THIS MANUAL —

<b>Children First Bill</b>	<i>Children First Bill, 2014</i> (as passed by Dáil Eireann, 14 July 2015)
<b>Child Safeguarding Manual</b>	Child Safeguarding Statement required by s. 11(4) of the Children First Bill
<b>Children First Guidance</b>	<i>Children First: National Guidance for the Protection and Welfare of Children, 2011</i> , to be given legal force by S.6(3) of the Children First Bill
<b>BROSNA</b>	Brosna Educational Centres Ltd, a registered charity
<b>GCVU</b>	Garda Central Vetting Unit
<b>NYCI</b>	National Youth Council of Ireland
<b>Tusla</b>	Tusla — Child and Family Agency
<b>Vetting Bureau Act</b>	<i>National Vetting Bureau (Children and Vulnerable Persons) Act, 2012</i>
<b>Withholding Information Act</b>	<i>Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012</i>

The terms “**child**”, “**young person**”<sup>4</sup> and “**minor**” refer to a person under the age of 18 years, excluding a person who is or has been married.

The terms “**directors**” and “**leaders**” mean adults who have an ongoing role in the management and provision of BROSNA activities for young people, while “**helpers**” are minors over the age of 15 who are involved only in the provision of specific activities (under supervision).

IN THIS MANUAL and in the *Children First Bill* —

“**harm**” means, in relation to a child—

- (a) 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
- (b) 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;

“**ill-treatment**” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;

“**neglect**” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;

“**sexual abuse**” means, in relation to a child—

- (a) (a) an offence against the child, specified in Schedule 3 of the Children First Bill,
- (c) wilful exposure of the child to pornography, or
- (d) wilful sexual activity in the presence of the child;

“**welfare**” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.

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<sup>4</sup> For the purposes of the Youth Work Act, 2001, a “young person” means a person who has not attained the age of 25 years (see Appendix III-13).





## FOREWORD

This *Child Safeguarding Manual* has been adopted and issued by the Board of Brosna Educational Centres Ltd to update and restate its child safeguarding policy. It replaces the 2012 edition of the BROSNA child safeguarding policy with effect from 1st September 2015.

Although different in form, it is a continuation and development of the substance and principles of earlier BROSNA child safeguarding policies. It has been developed in consultation with other organisations with similar goals and activities and draws on models and guidance which represent best practice. In particular, it follows the guidance in *Children First: National Guidance*, published in 2011 and *Our Duty to Care*, published in 2002.

The Manual has also been prepared in anticipation of the enactment of the *Children First Bill, 2014* and will constitute the *Child Safeguarding Statement* required by section 11 of that Bill. It anticipates the commencement of the *National Vetting Bureau (Children and Vulnerable Persons) Act, 2012* and provides for its implementation.

The Board encourages all of those engaged in activities with young people on its behalf to familiarise themselves with this Manual as soon as possible. The revised Code of Conduct consent forms are to be completed and returned by current participants and leaders within three months and by new participants and leaders before engaging in youth activities with BROSNA.

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Chairman  
Brosna Educational Centres Ltd



# Part I: **PRINCIPLES**

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## I - 1 Brosna Youth Activities

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Brosna Educational Centres Ltd is a registered company without share capital, limited by guarantee, and is subject to Irish company and charity law. It is also registered with the Charities Regulatory Authority and has charity status with the Revenue Commissioners.

BROSNA has been established to manage and facilitate social and educational initiatives which further Christian purposes and objectives. The range and scope of the activities of BROSNA are determined from time to time by its Board of Directors, within the terms of its Memorandum of Association.

BROSNA, through its Management Committees in various centres in Ireland, engages in activities 'which consist of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration)' to minors, which are 'not merely incidental to the provision of such activities to persons who are not minors'.

IN PARTICULAR:—

BROSNA currently undertakes the management of 19 residential educational centres in the Republic of Ireland (see Appendix III - 13) by agreement with the individual charities which own the properties concerned.

The direction of these individual undertakings or centres of activity is entrusted in each case by the Board of BROSNA to a local Management Committee (see Appendix III - 14). The same Management Committees oversee the content of the Christian formation that is given in these activities, which in most cases are for adults only.

Where a youth club or activity is attached to a BROSNA educational centre, the respective Management Committee is the body with immediate responsibility for the affairs of the activity (even where this is delegated in part to a club committee). The Management Committee is, in turn, answerable to the Board of Directors of BROSNA for the management of the youth club and its activities.

BROSNA, through a chaplaincy arrangement with the Prelature of Opus Dei, is also responsible for the activities of priests 'engaged in the advancement of religious beliefs' in the course of BROSNA activities.

### RISK ASSESSMENT

In the following examples, the term "adult" excludes a parent or sibling of the minor in question and means especially anyone in a position of authority or trust in the context of a youth activity.

Child Safeguarding policies in comparable organisations concur in identifying and guarding against certain practices which may facilitate the possibility of child abuse and therefore pose unacceptable risks to minors.

These practices include:

- An adult being alone with a minor in an unsupervised way;
- Unwarranted or unsupervised physical contact between an adult and a minor;
- An adult having frequent contact, via mobile phone, text messages, social media etc, with a minor;
- An adult showing favouritism or developing a singular relationship with a minor.

Circumstances that might increase the possibility of such practices include activities which involve personal guidance, travel by car, overnight accommodation or the use of showering or sanitary facilities.

Youth activities for which BROSNA is responsible may from time to time involve such circumstances, albeit to a limited degree, and accordingly the measures and safeguards provided in this Manual, which are directed to managing the associated risks, are warranted and proportionate.

These youth activities may involve:

- Regular weekly activities in a BROSNA educational centre.
- Personal tutoring or guidance.
- Short-stay overnight activities in certain BROSNA educational centres.

- Activities and Camps of up to three weeks duration, involving travel and overnight accommodation away from home, in commercial activity centres or other rented accommodation.
- Sports and other recreational activities involving physical contact.
- Recruitment of leaders, helpers and teachers for specialist classes
- Photography for the purposes of promotional literature for BROSNA activities or websites.

### **Risk Containment**

The foregoing risks in BROSNA youth activities are reduced or contained by the following general provisions, in addition to the procedures and codes of conduct set out in this Manual.

1. Residences run by BROSNA do not provide long-stay accommodation for persons of less than 18 years of age.
2. Short stays by minors in a residence designated for that purpose may be permitted by the Designated Officer for BROSNA when the following conditions are met:
  - the adults living in the residence at that time have a clear vetting disclosure and have received training in child safeguarding,
  - the parents of the minor have given prior approval in writing for the stay in the residence,
  - the bedroom and showering and sanitary facilities in the residence allow a suitable separation between adults and minors,
  - the duration of the stay does not exceed 21 nights.
3. When a leader speaks with a minor alone he or she must always do so in a room with the door open or with a glass panel in the door allowing them to be easily seen, or in an open place where they can be easily seen by other people.
4. Priests must hear confessions and give spiritual direction to minors only in a confessional with a fixed screen between priest and penitent, in a room with a large window in the door allowing them to be easily seen, or in a chapel or open place where they are in the sight of other people (but out of earshot).

### **Activity Risk Assessments**

A risk assessment must be completed prior to the start of an annual or summer programme of activities or any once-off activity (see Appendix III - 7) to ensure that circumstances have not changed and that any new factors have been duly considered. It is essential that risk assessments are carried out punctually and documented.

Some activities by their very nature will always carry an element of risk, which cannot be fully prevented. It is not BROSNA'S responsibility to ensure there are no risks whatsoever associated with an activity. However, BROSNA and its Management Committees must not expose participants in activities to unnecessary risk, must identify risks that can be avoided and manage risks in a responsible manner, putting in place preventative measures to reduce risk where possible.

Once the risk assessment has been undertaken and a specific risk identified, a specific activity may have to be cancelled or, if it is reasonable to proceed, all possible steps will be taken to mitigate or minimise the risk prior to the activity taking place.

## I - 2 Policy

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### LEGISLATION & GUIDANCE

BROSNA is a *relevant organisation*<sup>5</sup> engaged in *relevant work or activities relating to children*<sup>6</sup> as defined in the Vetting Bureau Act. BROSNA does not provide specific services, as defined in the Act, for vulnerable persons.<sup>7</sup>

The Vetting Bureau Act has not been commenced as of the date of this Child Safeguarding Manual. In the interim, BROSNA will continue to obtain vetting clearance for adults who have contact with children from the Garda Central Vetting Unit through the agency of the NYCI.<sup>8</sup>

BROSNA is also a *provider*<sup>9</sup> of a *relevant service*<sup>10</sup> for the purposes of the Children First Bill.

This Bill has not been enacted as of the date of this Child Safeguarding Manual, but the requirements of the Bill (as passed by the Dáil) have been incorporated into this Manual.

**It is the policy of BROSNA to ensure, as far as practicable, that every minor availing of its services is safe from harm while availing of that service.**<sup>11</sup>

To that end, it is the policy of BROSNA to conform to current legislation and national guidance (see Appendix III - 15), and in particular to ensure that its Child Safeguarding Manual has due regard to, and is in accordance with<sup>12</sup>—

- Children First: National Guidance for the Protection and Welfare of Children*, published in 2011, and
- Our Duty to Care: The principles of good practice for the protection of children and young people*, published in 2002.<sup>13</sup>

BROSNA will promulgate the present **Child Safeguarding Manual**, make it readily available and revise it every two years.<sup>14</sup>

Every youth activity for which BROSNA is responsible is required to adhere to the child safeguarding policies and procedures contained or invoked in this Child Safeguarding Manual.

These procedures apply inter alia to recruitment, vetting and training of volunteers, running of youth club activities, interaction with club members, appropriate forms of correction and guidance etc.

Youth work leaders are required to undergo regular training in these issues.

Training in child safeguarding and vetting of leaders are carried out in conjunction with the NYCI Safeguarding Children Consortium.

The Child Safeguarding Manager of BROSNA will be the 'relevant person' and first point of contact in relation to the Safeguarding Manual.<sup>15</sup>

Practical guidelines for leaders of activities with young people are contained in the **Code of Conduct** set out in Appendix III - 1 of this Manual and which is also promulgated separately, to facilitate its use and implementation.

### ETHOS

BROSNA activities for young people (which may be separate for boys and girls) are open to everyone, without distinction as to race, religion or parental occupation. The goal of BROSNA in any work with young

<sup>5</sup> S. 2, National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>6</sup> S. 2 & Schedule 1, National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>7</sup> S. 2 and Part 2 of Schedule 2, National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>8</sup> See Appendix III-13, C, Garda Central Vetting Unit

<sup>9</sup> S. 8, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>10</sup> S. 2 & Schedule 1, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>11</sup> S. 10, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>12</sup> S. 11(4), Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>13</sup> Paragraph 4.7.3 of Children First: National Guidance for the Protection and Welfare of Children, 2011

<sup>14</sup> Ss. 11(1), (5) & (7), Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>15</sup> S. 8, Children First Bill, 2014 (as passed by Dáil Eireann, 14 July 2015): "relevant person" means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's child safeguarding statement.

people is to collaborate with and support parents in their role and primary responsibility in the formation and education of their children.

The main object for which BROSNA is established is “the advancement of education and the development of character in accordance with Christian principles and ideals.” In furtherance of that object, BROSNA is authorised by its Memorandum of Association *inter alia* “to foster the religious and cultural development of men and women and to teach the application of Christian principles to everyday life and to do all other things necessary or desirable for the promotion of Christian morals and benevolence.”

In accordance with this object, it is the policy of BROSNA that directors and leaders of activities and anyone giving formation to young people on its behalf will do so, by word and example, strictly in accordance with the doctrine and moral teaching of the Catholic Church on human sexuality, as more particularly set out in the Catechism of the Catholic Church.

### **CHILD SAFEGUARDING PRINCIPLES**

*adopted by BROSNA to ensure, as far as practicable, that a child, while participating in activities for which BROSNA is responsible, is safe from harm*

BROSNA —

- Maintains a child safeguarding policy that raises awareness about the possibility of child abuse occurring and outlines the steps to be taken if it is suspected;
- Provides child protection training for leaders and helpers, which clarifies the responsibilities of BROSNA and of individuals, and clearly shows the procedures to be followed if child abuse is suspected;
- Adopts safe practices to minimise the possibility of harm or accidents happening to children and to protect staff from the necessity to take risks and leave themselves open to accusations of abuse or neglect;
- Recognises that valuing children means valuing staff as well and that insistence on safe practices—eliminating the necessity for staff to take risks and providing them with support—will make for a healthier and safer organisation;
- Maintains a policy of openness with parents that involves consulting them about matters that concerns their children, and encourages them to get involved with the organisation wherever possible;
- Adopts and consistently applies clearly defined methods of recruiting staff and volunteers;
- Does not permit anyone against whom a plausible complaint of abuse has been made (unless the complaint proves to be without foundation) to participate in its activities with young people;
- Maintains procedures for responding to accidents and complaints;
- Recognises that the welfare of children must always come first, regardless of all other considerations;
- Acknowledges the rights of children to be protected, treated with respect, listened to and have their own views taken into consideration;
- Acknowledges that a child’s age, sex and background affect the way they experience and understand what is happening to them;
- Recognises that early intervention with children who are vulnerable or at risk may prevent serious harm from happening to them at a later stage;
- Co-operates with child care and protection agencies and professionals by sharing information when necessary and working together towards the best possible outcome for the children concerned and makes links with other relevant organisations in order to promote child protection and welfare policies and practices.

# Part II: PROCEDURES

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## II - 1 Board responsibilities

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BROSNA is committed to undertaking a formal review of this Child Safeguarding Manual every 2 years. As part of the review process, the Manual content will be checked for relevance, for inclusion of any new topics or areas not represented in the current edition, and to ensure compliance with current legislation.

In accordance with the Children First Bill, the Board of Brosna Educational Centres Ltd has an obligation in its *Child Safeguarding Statement*<sup>16</sup> to specify the procedures that are in place —

- (a) to manage any risk identified,
- (b) in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service,
- (c) for the selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children,
- (d) for the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm,
- (e) for reporting to the Agency by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this Act or the guidelines issued by the Minister under section 6,
- (f) for maintaining a list of the persons (if any) in the relevant service who are mandated persons, and
- (g) for appointing a relevant person for the purposes of [Part 2].

In addition to the preparation, promulgation and review of this Child Safeguarding Manual and the Code of Conduct which it specifies, the Board of BROSNA is responsible for overseeing its implementation by each of its Management Committees which have Youth Activities (see Appendix III - 13). To achieve satisfactory implementation, the Board of BROSNA has—

- appointed a Child Safeguarding Manager, reporting to the Board, to be the first point of contact in relation to the Child Safeguarding Manual,<sup>17</sup> to advise on legislation or guidance relevant to the Manual, to propose modifications to the Manual and to monitor the participation and content of training workshops dealing with this Manual;
- appointed a Child Safeguarding Compliance Officer, reporting to the Board, to advise on and oversee the implementation of this Child Safeguarding Manual by each of its Management Committees in their activities with minors;
- appointed a Designated Officer to receive and manage expressions of concern and to act as liaison with the Statutory Authorities in relation to the reporting of allegations or suspicions of child abuse;
- appointed a Child Safeguarding Committee, including the Child Safeguarding Manager, the Compliance Officer, the Designated Officer and a member or members of the Board, to advise the Board—and by delegation to decide questions promptly—on the ongoing implementation of the Child Safeguarding Manual;
- ensured that disciplinary, complaints and appeals procedures are in place;
- constituted an Advisory Committee to advise the Board on the management of any complaints or disciplinary matters that require its attention.

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<sup>16</sup> S. 11(3), Children First Bill, 2014 (as passed by Dáil Eireann, 14 July 2015)

<sup>17</sup> S. 8, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

## II - 2 Management of youth activities

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### **GUIDELINES FOR LEADERS AND HELPERS**

Leaders and helpers working for BROSNA will treat each young person with equal respect and consideration, without favouritism, and ensure his or her safety and welfare while engaging in BROSNA activities.

Leaders and helpers should have as their first priority the children's safety and enjoyment of the activity and should adhere to the guidelines set out in the **Code of Conduct** in Appendix III - 1.

Leaders and helpers will each be given a copy of the Code of Conduct. They should make themselves aware of the procedures contained within the Code and comply with them.

Leaders and helpers must respect the rights, dignity and worth of every child and must treat everyone equally, regardless of sex, ethnic origin, religion or ability.

Once appointed, a leader or helper must act as a role model and maintain the highest standards of personal conduct.

Leaders and helpers working for BROSNA will take great care about whatever they say to young people and also the way in which they say it. Any situations, actions or language that compromise a relationship of trust with young people are to be avoided.

Leaders and helpers are to: a) avoid taking risks with the safety of young people; and b) avoid any situations that could lead to misinterpretations, difficulties or accusations of abuse. Training will be made available on practical applications of these principles.

Under no circumstances should BROSNA personnel give alcohol, tobacco or drugs to children or young people. Only age-appropriate language, material on media products (such as camera phones, internet, video etc) and activities should be used when working with children and young people.

Leaders and helpers are to be clear about what is appropriate and inappropriate physical contact with young people, avoiding any contact that could be misunderstood. Practical examples will be outlined in their training on such issues.

Leaders and helpers are to avoid physical horseplay. They shall also avoid taking part in contact games where there is a danger that others might misinterpret their actions, no matter how innocently intentioned. Practical examples will be outlined in their training on such issues.

If a young person wishes to speak exclusively with a leader or helper, or vice versa, this one-to-one conversation shall take place in a public place or in rooms designed so as to be open to view by others.

Directors and leaders should read this Child Safeguarding Manual and follow the specific procedures herein (see especially Part II - 7) if they suspect or receive complaints of abuse of any sort. They should also familiarise themselves with the *Children First: National Guidance for the Protection and Welfare of Children*, published in 2011 and *Our Duty to Care: The principles of good practice for the protection of children and young people*, published in 2002.

Any misdemeanours or general misbehaviour by directors or leaders will be dealt with immediately and reported to the Designated Person. Persistent breaches of the code will result in dismissal from BROSNA. Dismissals can be appealed with the final decision being taken by the Board of BROSNA.

### **Insurance**

BROSNA has Public Liability Insurance and appropriate Employer's Liability Insurance for employees.

Adults transporting children in their cars should be aware of the extent and limits of their motor insurance cover, particularly in relation to acceptable numbers and liability.

### **SAFE OPERATING PRACTICES FOR YOUTH ACTIVITIES**

#### **Define roles**

Leaders and helpers will have a clearly specified role within each activity, understood by them and the participants. In this way, no one who does not have a clear reason to be present will be in contact with young people in the activity.

**Risk assessment**

The leader of the activity will ensure that a risk assessment is carried out in the planning stage of each activity and that safety procedures (including those for first-aid provision) are followed.

**Know the participants**

- Have defined criteria for membership or participation in the activity,
- Have a registration system for each participant (see Appendix III - 3)
- Keep a record on each child, including medical details, any special needs and emergency contact telephone numbers.

**Keep records of**

- Attendance and visitors
- Accidents – keep an incident file (see Appendix III - 8). Accident records should be reviewed regularly and any unusual incidents or patterns reported to the Board.
- Consents given for various activities (see Appendix III - 4)
- Any complaints or grievances

**Know the leaders**

- Follow through on recruitment applications (see Appendix III - 5) and induction procedures (see Appendix III - 6)
- Have a rota displayed so that everyone knows who is on duty
- Respond to any allegations or complaints made about leaders (see Appendix III - 9)
- Make sure there are always sufficient leaders to supervise activities. At least two leaders are required in each activity, whatever the number of participants. A minimum ratio of 2:8 (at least two leaders and helpers to eight young people) will be maintained for all activities.

**Pay attention to health and safety matters, making sure that**

- Any buildings being used are safe and meet required standards
- There is sufficient heating and ventilation
- Toilets, shower areas and washing facilities are up to standard
- Fire precautions are in place
- First aid facilities and equipment are adequate. This should be regularly checked and replenished. First aid training should be provided for leaders and helpers.
- There is access to a phone
- Equipment is checked regularly
- Insurance cover is adequate for the relevant activity.

**It is important to ensure that**

- Children are not left unattended
- Adequate numbers of leaders are available to supervise the activities
- Leaders know at all times where children are and what they are doing
- Any activity using potentially dangerous equipment has constant adult supervision
- Dangerous behaviour is not allowed.

**If the activities involve an overnight stay, pay attention also to the following**

- Written parental consent (see Appendix III - 4)
- Any information about the children which may be relevant to staying away overnight, like allergies, medical problems, or special needs
- Appropriate and well supervised sleeping arrangements. Under no circumstances should an adult share a bedroom or tent with a young person.
- If, in an emergency situation, an adult considers it necessary to enter a children's dormitory or bedroom without another adult, they should

- (a) immediately inform another adult in a position of responsibility and
- (b) make a written note of the circumstances.
- Respect for the privacy of children and young people in dormitories, changing rooms, showers and toilets
- Adequate insurance, to cover all aspects of the trip
- Safe methods of transport.

#### **Discipline and challenging behaviour**

Leaders need to be trained and prepared to cope with disruptive behaviour. It is recommended that:

- More than one worker is present when challenging behaviour is being dealt with
- A record is kept in a report book, describing what happened, who was involved, the circumstances, any injury to a person or to property and how the situation was resolved.

#### **Provide appropriate training, including**

- Induction (see Appendix III - 6)
- Particular skills training, to fit in with the nature of the activity
- Basic First Aid training
- Child protection training, to raise awareness and provide information about how to respond to suspicions or incidents of child abuse.

#### **Supervise leaders and helpers**

- Focus on the work to be done, always acknowledging the positive tasks that have already been carried out
- Provide opportunities for discussing concerns and training needs
- Hold a review at the end of the trial period to confirm the leaders in post, to extend his/her probation period or to determine his/her services
- Have an annual review or 'staff appraisal' to assess general performance and review any changes that have happened or that are needed.

## II - 3 Recruitment of staff

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### REQUIREMENT TO OBTAIN VETTING CLEARANCE

The Vetting Bureau Act provides that an employer shall not engage or permit the involvement of any person in any relevant work unless it receives a vetting disclosure from the Vetting Bureau in respect of that person.<sup>18</sup>

Under the Act, the Garda Central Vetting Unit will become the National Vetting Bureau and the vetting procedures will be put on a statutory basis.

Once the Vetting Bureau Act is commenced, it will make it mandatory for BROSNA to obtain a vetting disclosure from the Bureau in respect of any criminal record of a person intending to work with children on its behalf, before permitting them to provide that service.

The Act also provides for the disclosure of "soft" information in regard to vetting. This is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

BROSNA may apply to be included in the register of relevant organisations held by the Chief Bureau Officer, or be represented thereon by a registered organisation.<sup>19</sup> In the former case, BROSNA shall nominate the Designated Officer as the liaison person for the purposes of vetting disclosure applications.<sup>20</sup>

An exemption from the requirement to obtain a vetting disclosure is provided in section 9 of the Act in the case of family, personal or occasional activities.

9. - A person who would but for this section be regarded as a provider of a relevant service shall not be a provider for the purposes of this Part if the relevant service being provided by the person concerned is—
- (a) undertaken in the course of a family relationship, where the work or activity is undertaken solely for the benefit of a child or other family member of the person,
  - (b) undertaken in the course of a personal relationship for no commercial consideration, or
  - (c) undertaken on an occasional basis only for no consideration at a school, sports or community event or activity.

The Youth Leader Application Form (see Appendix III - 5) must be completed by all leaders in BROSNA youth activities. Vetting disclosures will be sought in each case.

It is the policy of BROSNA not to allow an individual to commence work in any youth activity (other than an exempted activity) until the relevant vetting or equivalent check has been obtained and a decision taken on the relevance of any information disclosed.

#### Interim Procedure

In the interim, BROSNA will continue to obtain vetting clearance for adults who have contact with children from the Garda Central Vetting Unit through the agency of the NYCI.<sup>21</sup> This office provides the only official vetting service in the Republic of Ireland. Local Garda stations do not provide vetting at a local level. The Unit can be contacted at:—

Garda Central Vetting Unit  
 E1/F2 Innovation Works 1  
 Tipperary Technology Park  
 Thurles, Co. Tipperary, E41 RD60  
 Tel: Lo-Call 1890 488 488/+353 504 27300  
 Office Hours: Monday to Friday, 9am-5pm

Smaller youth work organisations (such as BROSNA), which are not registered with the vetting unit, may access Garda vetting through membership of the NYCI *Youth Work Garda Vetting Consortium*.

Since 31 March 2014 an administrative filter has been applied to all Garda vetting applications. This allows certain minor convictions over 7 years old to be removed from disclosures.

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<sup>18</sup> S. 12(1), National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>19</sup> S. 8, National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>20</sup> S. 9(1), National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<sup>21</sup> See Appendix III - 15, C, Garda Central Vetting Unit

Under Section 258 of the Children Act 2001, if someone committed an offence when aged under 18 for which they have been found guilty, the offence can be automatically expunged from the record as if never committed, once certain conditions are met.

It is a criminal offence for some people to fail to notify their employers that they have been guilty of certain criminal offences before taking a job or performing a service. The duty to notify an employer relates primarily to sex offenders guilty of offences committed in Ireland and abroad. Section 26 of the Sex Offenders Act 2001 makes it an offence for a sex offender to *"apply for work or to perform a service (including State work or service) which involves having unsupervised access to, or contact with children or mentally impaired people without telling the prospective employer or contractor that you are a sex offender"*.

### **International Vetting**

The Garda Vetting service only covers addresses in the Republic of Ireland and Northern Ireland. Vetting checks must be undertaken on prospective leaders who live or have lived abroad, regardless of their nationality. Different countries have distinct procedures for providing Police Clearance Certificates and not all countries are able to provide this service. International vetting must also be undertaken on Irish passport holders who have lived abroad for more than 6 months in the last 7 years. International vetting checks must be completed before the individual engages in youth work in Ireland.

If a prospective activity leader has resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more in the last 7 years, it will be necessary for him or her to furnish a Police Clearance Certificate from those countries stating that he or she has received no convictions while residing there. A separate Police Clearance Certificate will be required for each country in which the candidate has resided.

The Youth Leader Application Form (see Appendix III - 5) must be completed by any visiting leaders for whom BROSNA is responsible and must accompany any international Police Clearance Certificate submitted to BROSNA.

Obtaining foreign Police Clearance Certificates is the responsibility of the candidate. The process can take a lot of time. Therefore it is strongly advised that a prospective visiting leader should commence seeking international security clearances well in advance of arriving in Ireland.

### **VETTING DISCLOSURES**

Once a vetting check or equivalent has been returned (or a disclosure made by the Vetting Bureau) to the Designated Officer, the Child Safeguarding Committee will consider the disclosure and may liaise with the statutory authorities. If the disclosure contains any information which raises a question as to his or her suitability, a copy shall be forwarded to the applicant.

It is the policy of BROSNA not to permit anyone with a criminal record or against whom a plausible complaint of abuse has been made (unless the complaint proves to be without foundation) to participate in its activities with young people.

If the Committee is concerned about the suitability of an individual he or she will be contacted directly and invited to a confidential meeting to assist in the decision making process. The Committee will make the final determination as to whether or not a disclosure is relevant or contrary to BROSNA's safeguarding standards.

Information provided by an applicant for the purposes of the application and any associated vetting process will be regarded as confidential and will not be shared except for the purposes of the Vetting Bureau Act. If the application is not successful, the original application form will be returned to the applicant and any copy or associated information will be removed from BROSNA records.

### **RECRUITMENT PROCEDURES**

BROSNA will take the greatest of care in the appointment of leaders and helpers who work with young people and their training in the guidelines within which they carry out this work.

When it is necessary to recruit staff or volunteers for a BROSNA activity that involve minors, the following procedures will be observed:

- List tasks that the staff or volunteers need to perform, and the skills needed for those tasks (this forms the job / role description)
- Give some thought to the kind of person most suited to the post
- Make the vacancies openly available to interested applicants
- Advertise the posts, paid and unpaid, through the most appropriate means for the entity and the position in question
- Ask applicants to supply information in writing. This should include personal details, past and current work/volunteering experience and any qualifications or skills relevant to the post. It should also include a declaration relating to past criminal records.
- Ask for documentation to confirm the identity of the applicant, such as a long birth certificate. A Driving Licence or Passport with applicants' details together with signature and photograph may also be requested so as to ensure that the applicant is not assuming a false identity.
- Ask for two written references – this is important. These may be followed up with a telephone call, if appropriate.
- Meet with each applicant. Explore information contained in the application form and check out attitudes. Meeting with applicants does not always need to be a formal interview, but may be done through an individual discussion with the person in charge.

The Designated Officer will monitor the selection process of all leaders and helpers. This process includes:

- completion of the application form and statutory declaration (see Appendix III - 5),
- informal interviews,
- two references from people who have first-hand experience of his or her work with young people,
- the successful completion of a probationary period of two months, and
- a clear Garda Vetting disclosure and/or Police Certificates.

Application forms should be used for recruitment to all posts, including those to be filled by volunteers.

Applicants should be required to provide the names of two referees who can attest to their suitability for working with children and young people.

Suitable applicants should be interviewed by a panel of at least two people with appropriate competence and authority.

Written references should be obtained in respect of all candidates being considered for appointment. Written references must be followed up by verbal contact with referees.

All recommendations for appointment should be ratified by the relevant BROSNA Management Committee or the Board, depending on the nature of the appointment. The decision to appoint staff or volunteers is the responsibility of BROSNA, and not of any one individual within it. No matter how good the recruitment and selection procedures may be, they are not fool proof. Good practice in management and supervision of staff and volunteers after appointment is equally important.

## II - 4 Induction & Training

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BROSNA is committed to managing its staff and volunteers according to transparent and systematic processes which are appropriate and proportionate to the tasks entrusted to them.

These processes may include an induction into the organisation as well as regular appraisal or review and—where the task involves activities with young people—will always include adequate training on child safeguarding.

### **Induction of New Employees**

The process for inducting staff involves:

- Making a presentation conveying key information about the organisation and its main policy areas and procedures, including this Manual and Code of Conduct.
- Completing a checklist for directors to ensure that they have provided all relevant information to new recruits.
- Completing a written induction plan for each new leader.
- Completing a written sign off sheet confirming that all relevant information has been conveyed and understood by the new recruit.

### **Induction of New Volunteers**

BROSNA also has a set process for inducting new volunteers, which involves:

- Working through all sections of the volunteer checklist with the individual
- Communicating the organisation's policies and procedures and the Code of Conduct defining required and undesirable behaviours to the individual
- Completing a written sign off sheet (Appendix III - 5) confirming that the volunteer has been advised and understands BROSNA's policies and procedures and its Code of Conduct.

### **Child Safeguarding Training**

In addition to an initial induction, safeguarding training is provided by BROSNA in conjunction with the National Youth Council of Ireland. All individuals who fulfil roles which have been subject to vetting checks must attend safeguarding training within a maximum of 3 months of commencing their involvement.

As a best practice measure it is also recommended that parents are invited to attend safeguarding training. This is an important way of demonstrating to parents how seriously BROSNA views its child safeguarding responsibilities.

## II - 5 Recognition of abuse

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### Important Note

It is not the responsibility of those working in BROSNA to decide that child abuse is occurring, but it is their responsibility to act promptly on any concerns.

### RECOGNISING CHILD NEGLECT OR ABUSE

Child neglect or abuse can often be difficult to identify and may present in many forms. Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse (See Appendix III - 10).

A child may be subjected to one or more forms of abuse at any given time. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

A list of types and indicators of child abuse, drawn from *Children First: National Guidance for the Protection and Welfare of Children, 2011*, is contained in Appendix III - 10 of this Manual. More detail on each type of abuse is given in Appendix 1 of Children First: National Guidance.

The following guidance, drawn from that source, suggests ways to recognise such abuse.

### GUIDELINES FOR RECOGNITION

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

1. considering the possibility;
2. looking out for signs of neglect or abuse;
3. recording of information.

#### Stage 1: Considering the possibility

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

#### Stage 2: Looking out for signs of neglect or abuse

All those in BROSNA who work with children need to be aware of indicators of abuse to ensure that it can always provide an effective safeguarding and protecting environment.

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing Tusla. The child should not be interviewed in detail about the alleged abuse without first consulting Tusla. This may be more appropriately carried out by a social worker or An Garda Síochána. Less obvious signs could be gently explored with the young person, without direct questioning.

Indications that a child may be being abused can include physical and / or behavioural signs which may include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries
- Engaging in sexually explicit behaviour

- Distrust of adults, particularly those with whom a close relationship would normally be expected
- An injury—and the explanation for it—seem inconsistent
- Has difficulty in making friends
- The child describes what appears to be an abusive act involving him / her
- Stops, or is prevented from, socialising with other children
- Someone else (a child or adult) expresses concern about the welfare of a child
- Displays variations in eating patterns, including overeating or loss of appetite
- Unexplained changes in behaviour (for example, becoming very quiet, withdrawn or displaying sudden outbursts of temper)
- Inappropriate sexual awareness
- Loses weight for no apparent reason
- Becomes increasingly dirty or unkempt
- Excessive fear of making mistakes.

It should be recognised that this list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place, but may be indicative of a need to report concerns.

Some signs are more indicative of abuse than others. These include:

- disclosure of abuse by a child or young person;
- age-inappropriate or abnormal sexual play or knowledge;
- specific injuries or patterns of injuries;
- absconding from home or a care situation;
- attempted suicide;
- underage pregnancy or sexually transmitted disease;
- signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### **Stage 3: Recording of information**

If neglect or abuse is suspected and acted upon, for example, by informing Tusla, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

### **POINTS TO REMEMBER**

The severity of a sign does not necessarily equate with the severity of the abuse. Severe and potentially fatal injuries are not always visible. Neglect and emotional and / or psychological abuse tend to be cumulative and effects may only be observable in the longer term. Explanations that are inconsistent with the signs should constitute a cause for concern.

Neglect is as potentially fatal as physical abuse. It can cause delayed physical, psychological and emotional development, chronic ill-health and significant long-term damage. It may place children at serious risk of harm. It may also precede, or co-exist with, other forms of abuse and must be acted upon.

Experiencing recurring low-level abuse may cause serious and long-term harm. Cumulative harm refers to the effects of multiple adverse circumstances and events in a child's life. The unremitting daily impact of these circumstances on the child can be profound and exponential, and diminish a child's sense of safety and well-being.

Child abuse is not restricted to any socio-economic group, sex or culture. All signs must be considered in the wider social and family context. Serious deficits in child safety and welfare transcend cultural, social and ethnic norms, and must elicit a response.

Challenging behaviour by a child or young person should not render them liable to abuse. Children in certain circumstances may present management problems. This should not leave them vulnerable to harsh disciplinary measures or neglect of care.

Exposure to domestic violence is detrimental to children's physical, emotional and psychological well-being. The adverse effects of domestic violence have been well established.

While the impact of neglect is most profound on young children, it also adversely affects adolescents. Neglect renders young people liable to risk-taking behaviours, such as running away, early school leaving, anti-social behaviour, and mental health and addiction problems, including the risk of suicide.

It is sometimes difficult to distinguish between indicators of child abuse and other adversities suffered by children and families. Deprivation, stress, addiction or mental health problems should not be used as a justification for omissions of care or commissions of harm by parents/carers. The child's welfare must be the primary consideration.

## II - 6 Reporting to authorities

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The *Withholding Information Act* and the *Children First Bill* recognise the very separate and distinct roles of the Garda Síochána and Tusla with regard to the protection of children and vulnerable persons. Only the Gardaí can investigate a criminal offence against a child or vulnerable person. It is the role of Tusla to provide the necessary supports and monitoring of children at risk.

- The Withholding Information Act addresses the role of the Garda Síochána. It requires that any person who has evidence that a person has committed a serious offence against a child or vulnerable person must provide the Gardaí with that information so that the Gardaí can investigate that alleged crime.
- The Children First Bill addresses the role of Tusla. It requires that relevant persons in a position to assess children at risk of abuse must provide the Tusla with the information necessary to monitor and provide supports to a child who may have been abused. Any criminal investigation will be conducted in a parallel investigation by the Gardaí.

BROSNA is not a *prescribed organisation*<sup>22</sup> for the purposes of the *Withholding Information Act*. Staff of BROSNA who know or believe that an offence, that is a Schedule 1 offence (see Appendix III - 15, B), has been committed by another person against a child and who have information which they know or believe might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, must disclose that information as soon as it is practicable to do so to a member of the Garda Síochána.<sup>23</sup>

### RESPONSIBILITY TO REPORT CHILD ABUSE OR NEGLECT

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. This is an important responsibility for leaders and helpers involved in BROSNA activities with young persons.

Tusla 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.

Staff of BROSNA who know, believe or have reasonable grounds to suspect—on the basis of information that they have received, acquired or become aware of in the course of their work for the entity—that a child has been harmed, is being harmed, or is at risk of being harmed, must, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Designated Officer, (or in his/her absence to the director or other mandated person), who shall as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to Tusla.<sup>24</sup>

Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect. A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to Tusla.

The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:

1. the safety and well-being of the child must take priority;
2. reports should be made without delay to Tusla.

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of *reckless endangerment of children*. It states:

A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by—

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or

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<sup>22</sup> S. 5(1), Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

<sup>23</sup> S. 2, Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

<sup>24</sup> S. 14, Children First Bill 2014 (as passed by Dáil Éireann, 14 July 2015)

(b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation,  
is guilty of an offence.

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

Tusla 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 care. 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.

Any professional who suspects child abuse or neglect should inform the parents / carers if a report is to be submitted to Tusla or to An Garda Síochána, unless doing so is likely to endanger the child.

Tusla will respect the wishes of non-professionals reporting concerns in good faith who ask to remain anonymous in as much as possible, but cannot give a guarantee that the information would not be sought and given within judicial proceedings. (The Data Protection Acts offer protection under privacy, but should the information be sought directly within legal proceedings, there is no guarantee.)

## MANDATED PERSONS

Section 14 of the Children First Bill provides that certain professionals and other employees in specified occupations (as listed in Schedule 2 of the Bill, see Appendix III - 15, D) are “mandated persons” for the purpose of the Act and the section sets out the circumstances whereby a mandated person is required to make a report to Tusla, the Child and Family Agency.

The section provides that where a mandated person knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed, he or she shall report that belief or suspicion to Tusla, as soon as practicable. Where a child makes a disclosure to a mandated person that he or she believes that he or she is being harmed, has been harmed or is at risk of being harmed, that mandated person shall, as soon as practicable, report that disclosure to Tusla.

A mandated person is not required to make a report to Tusla where a child aged 15 years or more but less than 17 years is engaged in sexual activity with a person who is not more than 2 years older than the child, where the mandated person knows or believes that there is no material difference in capacity or maturity between the two parties and the relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party, and where the child has made known his or her view that a report should not be made to Tusla and where the mandated person relied upon that view. This exemption does not apply where the child has made a disclosure of actual or anticipated harm to a mandated person in the course of his professional work.

A mandated person is only required to make a report if he or she becomes aware of the information after the commencement of section 14 of the Act (irrespective of whether the harm occurred before or after the commencement of the section).

The report is to be made on a *mandated report form* (see Appendix III - 11) made available by the Tusla ([www.tusla.ie](http://www.tusla.ie)) and may be made by a mandated person acting on his or her own, or may be made jointly with one or more other mandated persons.

A report may be made other than on the mandated report form where a mandated person “*acting in the course of his or her employment or profession*”<sup>25</sup> has reasonable grounds to suspect that a child may be at risk of immediate harm but the mandated person, within 3 days, must provide the report to the Child and Family Agency on a mandated report form.

A list of child safeguarding officers or other persons employed by BROSNA who are mandated persons for the purposes of the Children First Bill is given in Part II - 9.

<sup>25</sup> S. 14(7), Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015): “Where a mandated person acting in the course of his or her employment or profession knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm and should be removed to a place of safety, he or she may make a report to the Agency under subsection (1) or (2) other than by means of a mandated report form.”

## DESIGNATED OFFICER

Every organisation, both public and private, that is providing services for children or that is in regular direct contact with children should have a Designated Officer to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns.

The Designated Officer —

- is immediately responsible for reporting allegations or suspicions of child abuse to Tusla or An Garda Síochána;
- is responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in Tusla or in the event of an emergency and the unavailability of Tusla, to An Garda Síochána;
- must be accessible to everyone associated with the activities of BROSNA, and be supported by training and supervision;
- will act as a liaison with outside agencies and also acts as a resource to any staff member or volunteer who has child protection concerns;
- should ensure that he or she is knowledgeable about child protection and undertakes any training considered necessary to keep updated on new developments;
- should —
  - have good listening skills
  - have sufficient knowledge about child abuse and child protection procedures
  - be able to discuss personal matters in a relaxed way
  - have a clear job description which outlines his or her responsibilities to victims, employees, volunteers, the organisation and the statutory authorities
  - have reporting procedures to and from the Designated Officer which are agreed, clear and made known to all.

## STANDARD REPORTING PROCEDURE

This section outlines the standard reporting procedure to be used in passing information to the statutory authorities about child protection concerns.

Any person reporting a child abuse or neglect concern should do so without delay to Tusla. A report can be made in person, by telephone or in writing. Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with Tusla. Contact numbers for some Tusla offices are given in Appendix III - 12 of this document and are also available on the Tusla website ([www.tusla.ie](http://www.tusla.ie)).

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Tusla intervention. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with Tusla, you should contact the Gardaí. This may be done through any Garda station.

The *Standard Report Form* (or “mandated report form”) for reporting child welfare and protection concerns to Tusla (see Appendix III - 11) should be used by mandated persons when reporting child protection and welfare concerns to Tusla. If a report is made by telephone, this form should be completed and forwarded within three days to Tusla. They will follow up on all referrals, even if the Standard Report Form has not been used.

### Information to be Included When Making a Report

The ability of Tusla or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns.

As much as possible of the following detail should be provided:

1. the name, address and age of the child (or children) for whom the report is being made;
2. the name of the child’s school;

3. the name and contact details of the person reporting concerns;
4. whether the person reporting is a professional, a person working with children or a member of the public;
5. the relationship to the child of the person making the report;
6. a full account of what constitutes the grounds for concern in relation to the protection and welfare of the child or children, e.g. details of the allegation, incident, dates, description of any injuries, etc;
7. the names and addresses of the parents/carers of the child or children;
8. the names of other children in the household;
9. the name, address and details of the person allegedly causing concern in relation to the child or children;
10. the child's and/or parents/carers' own views, if known and relevant;
11. the names and addresses of other personnel or agencies involved with the child or children, e.g. GP, social worker, public health nurse, Gardaí, etc;
12. any other relevant information.

### **Retrospective Disclosures By Adults**

An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures. If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the counsellor/health professional should report the allegation to Tusla without delay.

The HSE National Counselling Service (see [www.hse.ie](http://www.hse.ie)) is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country. The service can be accessed either through healthcare professionals or by way of self-referral (Freephone 1800 477477).

### **Deciding to Share Child Protection Concerns**

The belief that parents/carers or other persons in charge of children would actually harm or neglect them is not easy to sustain. There may be a tendency, therefore, to deny, minimise or explain away any signs that a child is being harmed, even when evidence exists. At times, it is hard to distinguish between abusive situations and those where other problems are present, such as unemployment, poverty, poor housing, addiction, mental illness or isolation. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of children. However, the protection and welfare of the child must always be the paramount concern.

Reluctance to act on suspicions about child abuse or neglect can often stem from uncertainty and fear. Members of the public or professionals may be afraid of repercussions, afraid of being thought insensitive, afraid of breaking a confidence or afraid of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action. So too will confidence in the child protection and welfare services.

It is the responsibility of all agencies working with children and for the public to recognise child protection concerns and share these with the agencies responsible for assessing or investigating them, not to determine whether the child protection concerns are evidenced or not.

### **Cases Not Reported to Tusla or An Garda Síochána**

In a case in which BROSNA, having heard the Advisory Panel, decides not to report a concern to Tusla or An Garda Síochána, the person who raised the concern will be given a clear written statement of the reasons why BROSNA is not taking such action. He or she will be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Tusla or An Garda Síochána. Legal protections apply once they communicate 'reasonably and in good faith' (see Appendix III - 15, A).

## **Confidentiality**

The effective protection of a child often depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concern or assessment of child abuse or neglect should be shared on 'a need to know' basis in the interests of the child with the relevant statutory authorities.

No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff with a responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

The issue of confidentiality is part of the training provided for staff who work in the area of child protection and welfare and the general training of staff in BROSNA who work with children. BROSNA has a written policy in this regard (see Part II - 8).

## **Legal Protection**

There is currently no general legal obligation to report suspicions of child abuse. Certain 'mandated persons' will be so obliged when the Children First Bill is enacted and commenced. In any case, you have a moral and civil obligation to act reasonably and in good faith to safeguard children, while bearing in mind that the good name of others may also be at stake.

A person in the Republic of Ireland who discloses or reports a suspicion to an "appropriate person" is protected from civil liability—in the event that the suspicion is subsequently shown not to have been well-founded—provided he or she has acted reasonably and in good faith in forming that opinion and in communicating it to the "appropriate person".<sup>26</sup> The "appropriate person" for the purposes of the *Protections for Persons Reporting Child Abuse Act, 1998* is an officer of Tusla appointed as designated person for that purpose, or a member of the Garda Síochána (see Appendix III - 15, A).

The 1998 Act does not protect communications made to any other persons or made in Northern Ireland. However, the common law confers a protection known as "qualified privilege" on communications made by persons who have a right or a duty to make them, or an interest in protecting another person. Thus, for example, a youth worker could, based on this common law defence, pass on such a communication to the designated officer of the entity concerned. Furthermore, a person reporting, reasonably and in good faith, a child's or young person's disclosure would not be regarded as making an allegation but simply as carrying out a duty responsibly.<sup>27</sup>

Legal protection is lost if it can be established that the person making the report has acted maliciously.

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<sup>26</sup> Protections for Persons Reporting Child Abuse Act, 1998, S. 3 (1)

<sup>27</sup> See Code of Good Practice, Child Protection for the Youth Work Sector, Department of Education & Science, 2002, para. 1.4.

## II - 7 Response to concerns

This section outlines the practical steps to be taken —

- A. By any adult associated with BROSNA who receives a complaint or is made aware of facts or circumstances which give rise to a reasonable concern or suspicion,
- B. By the Designated Officer of BROSNA when he or she becomes aware of an allegation, complaint or reasonable concern or suspicion,
- C. By the Director and the Board of BROSNA when they are made aware of the existence of an allegation, complaint or reasonable concern or suspicion.

It is important to note that it is not the function or responsibility of anyone acting on behalf of BROSNA to investigate complaints or suspicions of child abuse or to decide whether such abuse has taken place. That is the role of Tusla and An Garda Síochána. Under no circumstances should any members of staff or volunteers attempt to deal with the problem of abuse alone.

The purpose of the following guidance is to ensure that reasonable grounds for concern or suspicion are brought to the attention of the competent authorities as soon as possible, while also respecting the right of a respondent to due process and to his or her good name.

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

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

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions will be recorded or noted internally by BROSNA, because future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for Tusla or An Garda Síochána.

While any complaint is pending or a reasonable concern is unresolved, the respondent enjoys the presumption of innocence and the right to his or her good name and will be treated accordingly.

### A. RESPONDING TO A PERSON MAKING AN ALLEGATION

It is often very difficult for people to talk about abuse so it is important to make sure that you are patient, listen carefully and actively, and create a safe environment in which they feel able to tell you as much as they can remember. This will help those people whose responsibility it is to investigate the incident(s) do so as thoroughly as possible.

People may tell you about:

- abuse that is happening to them now – current
- abuse that happened to them some time ago – historical
- something they've been told by someone else and that they strongly believe is true
- seeing signs of abuse, such as physical injuries on a child
- something that they have witnessed, such as the behaviour of an adult to a child that made them feel uncomfortable.
- Where information is given in person, consider the following:
  - Listen carefully to that person, but do not ask intrusive or leading questions.
  - Stay calm, take what the person raising the concern says seriously, and reassure them.

- Allow the person to continue at his/her own pace.
- Check with the person to make sure that you have understood what they actually said. Do not suggest words, but use theirs.
- Make no promises that cannot be kept, particularly in relation to secrecy, but listen carefully to what is being sought.
- Explain these procedures and the referral procedures to the person.
- Do not make any comments about the respondent, or make assumptions or speculate.
- Be aware that a person's ability to recount his or her concern or allegation will depend on age, culture, nationality, linguistic skill and upon any disability which may affect use of language and range of vocabulary.
- Adopt a listening style which is compassionate, calm and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information.
- Avoid statements about your belief or otherwise, of the information given.
- Do not question, beyond checking what has been said. It is the job of the relevant civil authorities to investigate. There must be no probing for detail beyond that which has been freely given.

Listening does not mean telling a person to stop when they are freely recalling events; because some facts are only ever told once, the information given must be fully and accurately recorded. However, it is better that such detail is given directly to a professional from one of the relevant civil authorities, to allow proper procedures to be observed and to avoid the distress of having to repeat the account more than once.

*A priest must be very clear about the status of any such conversation. Make sure there is no misunderstanding whatever about whether the Seal of Confession applies.*

### **Listening to a Child**

Children will occasionally tell an adult they are being abused if they feel they can trust this person. This happens for many reasons but the important thing to remember is if they do tell you, it is likely they are doing so in the hope that you will act to stop it happening, even if they ask you not to do anything with the information.

If a child begins to tell you about abuse it is important that you —

DO:

- stay calm
- listen carefully and take them seriously
- ask questions for clarification only if you are unclear what the child is saying
- allow the child to continue at his/ her own pace
- reassure the child that, in disclosing the abuse, they have done the right thing
- tell them they are not to blame for the abuse
- let them know you will do what you can to help
- report the child's disclosure to the designated person immediately

DO NOT:

- panic
- dismiss the concerns
- probe for more information / ask other questions
- 'promise not to tell anyone' or say 'you'll keep it a secret'
- make negative comments about the accused person
- make assumptions or speculate
- disclose details of the allegation to anyone else—even if the allegations involve them in some way.

Find an opportunity to explain that it is likely that this information will need to be shared with others and at the end of the discussion tell them what you plan to do next and with whom this information will be shared.

#### **If You Know About or Suspect Child Abuse**

An employee or volunteer in BROSNA who knows or suspects that a young person has been or is at risk of being harmed has a duty to convey this concern to the Designated Officer of BROSNA, who will report the information to Tusla. Tusla will, in turn, notify An Garda Síochána as appropriate. In an emergency, a report must be made directly to An Garda Síochána.

#### **Anonymous Allegations or Concerns**

Anonymous complaints are to be treated carefully. Anxiety and fear may persuade some people not to reveal their identity immediately. The person raising the concern should be informed that anonymity might restrict the ability of professionals to access information or to intervene to protect a child. As much openness as possible should be encouraged.

The Designated Officer cannot act on information under this procedure unless at some point the name of the person raising the concern or making an allegation becomes known. Bear in mind that you have a moral and civil obligation to *act reasonably and in good faith* where the good name of others is at stake. A person passing on an allegation for which there is no identifiable source or foundation may be considered to be taking on personal responsibility for the reasonableness or veracity of the allegation itself. If in doubt, it may be appropriate to consult the civil authorities directly, without identifying the person accused or the person making the allegation.

#### **Listening to a Person Who Admits Abusing a Child**

It is necessary to tell a person who admits an offence against a child or young person that such information cannot be kept confidential.

If such an admission is made to you and it is in the context of a BROSNA youth activity, even if the admission relates to something which happened a long time ago, you must refer the matter to the Designated Officer as soon as possible. He or she will follow the procedures for referral to the relevant civil authorities.

In some situations, you may receive information about adults who are not involved with BROSNA, but who are in contact with children through other organisations. It is important that these organisations should be made aware of any concerns. The statutory agencies will give advice on how this should be handled.

#### **Preliminary Report**

As soon as possible, write down what you were told by the child or informant, using his or her own words to describe the alleged or suspected abuse. Complete the Preliminary Child Safeguarding Incident Report (see Appendix III - 9). Sign and date this record and pass it on to the Designated Officer. If a child may be at imminent risk, inform the Gardaí directly.

If the suspected abuser is an employee or volunteer in BROSNA, the Designated Officer will bring the matter to the attention of the director of the youth activity and to the Board. The concern or allegation will be shared only with those necessary to ensure the safeguarding of children.

### **B. STEPS TO BE TAKEN BY THE DESIGNATED OFFICER**

When the Designated Officer receives a report about suspected or actual child abuse in the context of a BROSNA activity, he or she should consider whether there are reasonable grounds for reporting it to Tusla. It may be helpful to discuss the matter with a professional, such as a Social Worker, Public Health Nurse or staff in a Health Centre, who can assist in deciding whether or not to formally report their concerns.

In cases where a Designated Officer has a concern about a child but is not sure whether to make a referral, he or she should seek appropriate advice. He or she may consult Tusla on the appropriate steps to be taken. The Designated Officer must keep a written record of the outcome of the consultation with the relevant civil authorities on the Child Safeguarding Case File. A decision not to refer a matter must always be taken in consultation with the Child Safeguarding Advisory Panel.

The Designated Officer will observe the Standard Reporting Procedure in Part II - 6 above—which is drawn from Section 3 of *Children First: National Guidance*—when reporting concerns about harm to children.<sup>28</sup>

The principal functions of the Designated Officer in processing a complaint or concern are —

1. Receive information about any concern or allegation of child abuse in the context of a BROSNA activity.
2. Ensure that the procedure about how to manage concerns, suspicions, allegations and disclosures of abuse is followed, and ensure a referral has been made to the statutory authority, where appropriate, if this has not already happened.
3. Contact emergency or appropriate services where a child appears to be at immediate and serious risk of harm. An immediate referral should be made to the relevant civil authorities (see Standard Tusla Report Form, Appendix III - 11). Where appropriate, if Tusla is not available, An Garda Síochána should be contacted to ensure that under no circumstances is a child left in a dangerous situation. Consideration should, in all cases, also be given to whether an immediate referral is necessary in order to preserve and safeguard against the possibility of any loss, deterioration or destruction of potential evidence or forensic evidence.
4. Inform the Director or Board that a relevant complaint has been made and make a recommendation to the Board about any immediate action(s) that may need to be taken in order to ensure the safety of children.
5. Create a child safeguarding case file for every referral that includes a log of actions, events and information received. Entries should be made as soon as possible after the event but before the end of the day. They must be timed, dated and signed by the author. Take possession of any written records made by any person in connection with the case and place them on the Child Safeguarding Case File.
6. Explain the procedures for addressing the concern, allegation or disclosure to the person who has raised the concern and ensure that they (including the child's parent or guardian where appropriate) sign a data protection declaration of consent. This consent relates to this child protection concerns process only — consent is not required for the making of a referral to the relevant civil authorities.
7. Make enquiries to identify the present and previous appointments of the respondent in order to establish whether there are any previous concerns about his/her practice, or any current grounds for concern in relation to the safety and well-being of children.
8. Conduct an initial interview with the respondent, unless (where an earlier referral has been made) the relevant civil authorities have requested that such an interview be deferred.
  - a. The purpose of the interview is to inform the respondent of the existence of the allegation and of the process being followed. The respondent needs to be given enough detail about the disclosure/allegation/concern, and the person raising it, to be able to offer a response.
  - b. The respondent should be given information about his or her entitlement to seek legal advice and about the child safeguarding process.
  - c. The respondent should be informed that he/she is not obliged, in law, to respond to the allegation or to furnish evidence, but that any statement provided will be taken into account in the investigation.
  - d. The Designated Officer or the Director should then inform the respondent of the nature and detail of the allegation/concern and the name of the person raising it.
  - e. A written record of the interview must be prepared, agreed with the respondent, signed and dated.
9. Follow the advice given by the civil authorities where a child protection concern has been referred to them. Allow the civil authorities to conduct their enquiries unimpeded. Do not visit the family or contact family members without prior discussion with investigators.

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<sup>28</sup> Paragraph 4.7.2 of *Children First: National Guidance for the Protection and Welfare of Children*, 2011

10. Maintain a dialogue with the Investigating Officer or Social Worker to monitor the progress of the case and act on any advice given. Details of contacts made should be recorded chronologically on the Child Safeguarding Case File. Ask for an update from the civil authorities about the outcome of their investigations; this request should be made in writing.
11. Conduct an internal investigation, if requested, at the conclusion of any external investigation or where no such investigation takes place.

An internal investigation will be initiated in cases where child protection concerns remain or where disciplinary action needs to be considered. Such an investigation will gather and assess available information from all sources and witnesses. Every effort should be made, in consultation with the civil authorities, to avoid the necessity to interview child witnesses for the purposes of disciplinary inquiries.

### **C. FUNCTIONS OF THE DIRECTOR & THE BOARD**

1. Inform the Designated Officer immediately upon receipt or notification from any source of a current or historical allegation, suspicion or concern about abuse of a child in the context of a BROSNA activity.
2. Upon being contacted by the Designated Officer following receipt of a concern or allegation, the Director must carry out a risk assessment. He or she may convoke the Advisory Panel to consider in the case. In urgent situations, a decision may be required at short notice.
3. Co-operate with, contribute to and assist any investigation being undertaken by the relevant civil authorities.
4. Unless the Advisory Panel considers that the case does not warrant a referral or disciplinary action, the Director must ask the respondent to stand aside or withdraw immediately—as a precaution and without prejudice to his good name—from any youth activity or other responsibility with BROSNA pending the outcome of any investigation.
5. At the conclusion of a Tusla or Garda investigation, or where no statutory investigation takes place, an internal investigation will be mounted in case there are disciplinary or child safeguarding matters to consider.
6. If, following referral of the matter, the person raising a concern / making an allegation has elected not to pursue the matter with Tusla or An Garda Síochána, or if those bodies have confirmed that they are not pursuing an investigation or that their investigation is concluded, an internal investigation, having been suspended to allow the investigation of the civil authorities, may resume and shall be carried out expeditiously.
7. This investigation (which takes place after the statutory enquiries have been completed) should be conducted expeditiously, taking no longer than three months wherever possible. In cases where there is a delay, and particularly where someone has stepped aside or been removed from a position, it is important to keep the relevant people informed of the progress of the investigation and to maintain records of such communications. There can be no excuse for a respondent to be left uninformed and 'in limbo' indefinitely.
8. In cases where there has been an acquittal or a decision not to prosecute there may be, nonetheless, sufficient evidence to meet the civil standard of proof of the concern/allegation that has been made.
9. The Board, in the event of:
  - a. an acquittal, where concerns remain
  - b. a criminal inquiry, which does not lead to a prosecution, or
  - c. an internal investigation of apparently inappropriate conduct, not amounting to a crime, having considered the Report of the Advisory Panel, will consider the future role of the respondent in the activities of BROSNA.

## II - 8 Data protection

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Notwithstanding the requirement of all professionals involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except for independent practitioners) and are the property of the organisations that keep them. Under the Freedom of information Acts 1997 and 2003, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading.

Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner. At present, these Acts apply to Tusla, but not to An Garda Síochána.

The Data Protection Acts 1988 and 2003 afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access applies to records held by Tusla and An Garda Síochána. However, the right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making a child welfare report in response to a request under the Data Protection Acts.

### **Guidelines on Data Protection**

BROSNA is committed to complying with Data Protection legislation and recognises that everyone involved in its activities has a right to privacy. Data Protection legislation relates to the use of personal data (i.e. information which can be used to identify a living individual, for example a person's name, date of birth, home address, telephone number, job title and division, or a photograph of the person).

BROSNA will take all reasonable steps to use and safeguard personal data in accordance with the prevailing Data Protection legislation.

BROSNA will:

- collect, retain and use personal information only for purposes such as compliance with legal and health and safety obligations;
- obtain the participants' express consent to the processing of sensitive personal data where reasonably practicable; and
- obtain information in a fair and open manner.

### **Sharing Information**

Recording and sharing relevant information is an important element of child safeguarding. A series of documents containing personal data may need to be completed from time to time and held on file as follows:

- Consent Form for Code of Conduct (see Appendix III - 2)
- Registration Form for BROSNA youth activity (see Appendix III - 3)
- Parental Consent for overnight stay and travel (see Appendix III - 4)
- Youth Activity Application Form (see Appendix III - 5)
- Accident Report (see Appendix III - 8)
- Preliminary Child Safeguarding Incident Report (see Appendix III - 9)

### **Storage of Data**

Any records kept by BROSNA will be kept confidential and retained in accordance with the Data Protection Act. The above documents (with the exception of any Child Safeguarding Incident Forms) will be held by the individual Management Committees in secure, locked files. The information they contain will only be accessible to those with a specific reason to view the information and upon authorization of the director.

Child Safeguarding Incident Reports will be held separately by the Designated Officer who will keep the information in a separate secure, locked file. In accordance with Data Protection Regulations the

information contained in these files will not be shared with any third party unless there is a requirement to provide the information (such as in the case of a Tusla or Garda investigation). Before any information is shared with a third party the matter will be discussed and authorised by the Child Safeguarding Committee.

Information provided by an applicant for the purposes of a Youth Activity Application and any associated vetting process will be regarded as confidential and will not be shared except for the purposes of the Vetting Bureau Act. If the application is not successful, the original application form will be returned to the applicant and any copy or associated information will be removed from BROSNA records.

**Duration of Data Held**

Information with regard to children must be stored until the child reaches the age of 25 as a minimum. In some instances it may be appropriate to store the information for longer and therefore guidance should be sought before any information on former children is removed or destroyed.

## II - 9 Child Safeguarding Officers

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BROSNA is required to maintain a current list of any *mandated persons*<sup>29</sup> employed by it (see Appendix III - 15, D).

### *Mandated Persons*

15. Person employed in any of the following capacities:
  - (f) manager of a language school or other recreational school where children reside away from home;
  - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
  - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
  - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act, 2001.

The office-holders in BROSNA who—inasmuch as they are employed by BROSNA—are “mandated persons” for the purposes of the Children First Bill, are as follows:

1. Designated Officer (see below).
2. Director of a Brosna Educational Centre or Management Committee responsible for a Youth Activity (see Appendix III - 13), if he or she is an employee of BROSNA.
3. Chaplain to a Brosna Youth Activity, provided by the Prelature of Opus Dei.

The Designated Officer for BROSNA is:

Mr Pat Hanratty,  
36 Rathfarnham Wood,  
Dublin, D14 X6F5  
Mobile: 087 2731 904,  
Email: pathanratty@gmail.com

In addition, BROSNA has appointed a Child Safeguarding Manager and a Child Safeguarding Compliance Officer who work in a voluntary capacity.

The Child Safeguarding Committee comprises a Chairman (a member of the Board), the Designated Officer, the Child Safeguarding Manager and a Child Safeguarding Compliance Officer and such additional members as the Board may decide from time to time.

The Advisory Panel is constituted as required from a panel drawn from the Child Safeguarding Committee and others with relevant experience and sufficient detachment from the immediate activities of BROSNA to advise impartially.

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<sup>29</sup> Schedule 2, no. 15, Children First Bill 2014 (as passed by Dáil Eireann, 14 July 2015)

# Part III: APPENDICES

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## III - 1 Code of Conduct

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# CODE OF CONDUCT

*for all BROSNA activities involving minors*

### PRINCIPLES AND CORE VALUES

The activities of BROSNA involving young people are based on the following principles:

Every child should be treated in an equitable and fair manner regardless of ability, age, sex, religion, social or ethnic background or political persuasion. Children, irrespective of ability or disability, should be involved in BROSNA activities in an integrated and inclusive way, wherever possible.

BROSNA is fully committed to safeguarding the wellbeing of each participant in its activities. Everyone involved should always show respect for others and understanding for their rights of safety and welfare, and behave in a way that reflects the principles of BROSNA and the guidelines contained in this Code of Conduct.

The welfare of young people is a first priority at BROSNA and we are committed to providing an environment which will allow minors to participate in formative activities, free from bullying and intimidation. Young people have rights, which must be respected, and responsibilities, which they must accept. They should be encouraged to realise that they have responsibilities to treat other participants and leaders with fairness and respect.

The policy and ethos of BROSNA require that directors and leaders of activities and anyone giving formation to young people on its behalf will do so strictly in accordance with the doctrine and moral teaching of the Catholic Church on human sexuality, as more particularly set out in the Catechism of the Catholic Church.

All adults working with young people must maintain the highest professional standards in their work and in their relationships with young people. The BROSNA code of conduct set out below is to be followed by all involved in work with young people under 18 years of age. Before participating in activities carried out on behalf of BROSNA within its centres and elsewhere, leaders and helpers must agree to abide by this code.

### CODE OF CONDUCT FOR LEADERS

“**Leaders**” are adults who have an ongoing role in the provision of BROSNA activities for young people, while “**helpers**” are minors over the age of 15 appointed for specific activities (under supervision).

Leaders should have a basic understanding of the physical, emotional and personal needs of young people.

Leaders interacting with children in activities of BROSNA may be in a position of trust and influence. They should always ensure that children are treated with integrity and respect, and that the self-esteem of young people is fostered.

To avoid the risk of harm, the possibility of misunderstanding, or the potential for allegations of misconduct, every adult entrusted by BROSNA with responsibility as a leader in activities for young people must abide by the following standards—

### PHYSICAL CONTACT

Be sensitive to the risks involved in participating in contact sports or other activities.

- Avoid unnecessary physical contact whenever possible.
- Any necessary contact should be in response to the needs of the child and not the adult and for a specific reason such as treating an injury, preventing an injury or demonstrating the requirements of an activity.

- It should take place in an open environment with the permission and understanding of the participant having explained the nature and the reason for the contact with the child.
- It should be determined by the age and developmental stage of the participant – always avoid doing something that children can do for themselves.
- While physical contact is a valid way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons concerned.
- If a child becomes injured during an activity and the injury requires the child to be carried to a place of treatment, always seek support from another adult before moving the child. Any first aid administered should be in the presence of another adult or in open view of others.
- If the child indicates at any time that they are uncomfortable in any way with the physical contact, stop immediately.
- Adults must always be appropriately dressed and professional when with children.
- Leaders should never physically punish or be in any way verbally abusive to a child, nor should they tell jokes of a sexual nature in the presence or hearing of children.
- Never engage in sexually provocative games or make suggestive comments, even in fun.
- Never engage in inappropriate touching.
- Never help children dress, for example, to put on pads, helmets, or clothing unless they request this and genuinely require assistance. Be open with parents after the activity and encourage them to get their children to practice putting them on themselves as part of their learning.

## **FAVOURITISM**

Leaders should be sensitive to the possibility of developing favouritism, or becoming over involved or spending a great deal of time with any one child.

- It is important to realise that certain situations or friendly actions could be misinterpreted by the participant or by outsiders.
- Leaders are responsible for setting and monitoring the boundaries between a formative relationship and intimate friendship with participants.
- Leaders should not involve minors in their personal lives, e.g. visiting or overnight stays in the leader's home.
- Avoid favouring one child or children unreasonably over others. For example, avoid reward or distinction systems that might give an impression of favouritism. Each child deserves time and attention appropriate to their needs.

## **SUPERVISION**

Make sure there is an adequate adult: child ratio. Recommended ratio is 2:8 under 12 and 2:10 over 12. This will depend on the nature of the activity, the age of the participants and any special needs of the group.

- Avoid being alone with one participant; if you need to talk separately do so in an open environment, in view of others.
- Avoid being in a situation where you are the only adult present around children, for example in changing rooms, showers, or on a minibus (see 'Travel' below).
- Clearly state time for the start and end of the activity.
- Leaders should remain in pairs until all participants have been collected.
- Keep attendance records and record of any incidents / injuries that arise.

## **CHANGING ROOMS AND SHOWERING**

Adults change at separate times to children for sports activities. If adults and children need to share a changing facility, the club or activity leaders must have consent from parents that their child(ren) can share a changing room with adults, albeit at different times.

- If children are uncomfortable changing or showering at the club premises, no pressure should be placed on them to do so.
- Mobile phones or cameras must not be used in changing rooms.

### MOBILE PHONES

Mobile phones are often given to young people for security, enabling parents to keep in touch and make sure they are safe. The use of mobile phones allows quick and easy contact, but it is important that mobile phones are not used to cross personal boundaries and cause harm for young people.

Leaders:

- You may use group texts for communication if you agree this with each parent at the start of the activity or club year.
- If you need to communicate with a minor for the purposes of an activity, use a parent's mobile telephone number. If you have agreed with the parents in advance to use the child's own mobile phone for communicating with them, under no circumstances make the number available for general circulation. It is not appropriate to have repeated social communication with an individual minor without the knowledge and approval of a parent or guardian.
- Do not use a mobile phone in locations such as changing rooms.

### SOCIAL MEDIA

Social media refers to internet social networking sites such as (but not exclusively) Facebook, and Linked In as well as social media such as Twitter.

Leaders:

- Lock down your own page on social networking sites so it is not freely accessible.
- Do not accept a young person as a 'friend' on any social media site without the express permission of a parent (and provided the parent is also a 'friend').
- Do not post negative comments about anyone associated with the activity or club on social networking sites.
- Treat online communication as if it were real life communication and do not to reveal or state anything through social media which you would not openly communicate through other communication methods.

### USE OF VIDEO AND PHOTOGRAPHY

BROSNA has adopted a policy in relation to the taking of photographs and videos in its activities and the use of images of minors on its website and in other publications in view of the possible risks posed directly and indirectly to children and young people through the misuse of photographs. The principal objective is to reduce the risk of inappropriate, unsolicited attention directed to identifiable individuals.

#### Rules on the use of photography in publicity material for an activity

- Ask for a participant's permission and for parental permission to use the image (see Appendix III - 3). This ensures that they are aware of the way the image is to be used to represent the activity.
- If a minor is named, avoid using his or her photograph, conversely if a photograph is used (with permission), avoid naming the person concerned.

Parents or amateur photographers wishing to record an event should seek permission from the leader of activity. BROSNA will display the following information at the activity to inform participants of the policy:

*"In line with the requirements of BROSNA's Code of Conduct, any person wishing to engage in any video or still photography should seek permission from the leader of the activity. On no account should children be photographed or filmed without their permission and the permission of their parents".*

When commissioning professional photographers or inviting the press to an activity or event BROSNA will aim to ensure that they are clear about our expectations of them in relation to safeguarding.

## **TRAVEL**

There is an extra responsibility on leaders when they travel with children to activities. When travelling with young people, the leaders should:

- Ensure that there is adequate insurance cover.
- Not carry more than the permitted number of passengers.
- Ensure use of safety belts.
- Clearly state times of pick-up and drop off.

It is not acceptable for leaders to give lifts in their cars to individual young people for long journeys.

- Exceptions may be permitted in the case of short journeys (although never on a regular basis) if a parent or guardian has requested or given express permission for this.
- When long-distance or overnight travel is involved, leaders travelling with minors must sign a separate undertaking. Parents should also be asked to sign consent forms (Appendix III - 4) in these instances.

### **Away Trips and Overnight Stays**

Written permission of parents or guardians (Appendix III - 4) must be obtained for all overnight activities or trips. This should include permission to travel, emergency contact numbers and any medical or special needs (including permission to treat a participant).

- Each participant should have been made aware of the BROSNA Code of Conduct and be encouraged to behave accordingly.
- Communicate with parents and participants with regard to travel times, activity details, gear requirements, and any other necessary details.
- Accommodation arrangements: adults should never share rooms or tents with children; children should be in single rooms or share rooms with those of the same sex and of similar age (minimum 3 per room); adults should knock before entering rooms.
- All group socialisation should take place in communal areas.
- Night sleep periods should be observed and disturbances should be effectively discouraged.
- Young persons should be under reasonable supervision at all times and should not leave the venue or go unsupervised without prior permission.
- Leaders should pay particular attention to children's behaviour while on public transport.

## **SUBSTANCE ABUSE**

The use of 'legal highs' or drugs (other than prescription medication) is forbidden as being incompatible with the objectives of the activities of BROSNA.

Leaders should act as role models for appropriate behaviour with regard to the use of alcohol and tobacco.

## **FIRST AID AND SAFETY**

Leaders have a responsibility to ensure the safety of the participants in the activities they supervise.

- Ensure activities are suitable for age and stage of development of participants.
- Keep a record of any specific medical conditions of the participants.
- Keep a record of emergency contact numbers for parents / guardians.
- Ensure any necessary protective gear is used.
- Ensure First Aid kit is close at hand with access to qualified first-aider.
- Know the contact numbers of emergency services.
- Keep first aid kit stocked up.
- Ensure access to medical personnel if needed and have an emergency plan.
- If an incident occurs, make a brief record of the injury and action taken. Make a brief record of the problem/action/outcome. Contact the child's parents and keep them informed of all details.

- Implement safety requirements with regard to the wearing of helmets and protective clothing in activities (e.g. cycling trips) for which this is appropriate.

## **BULLYING**

Bullying can be defined as repeated aggression, be it verbal, psychological or physical, conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly in social environments such as schools, clubs and other organisations working with children and young people.

Minors should be encouraged to report cases of bullying or abuse to either the Designated Officer, or a leader of their choice.

- Always respond to complaints or allegations.
- Complaints must be brought to the attention of management.
- Help children realise the difference between confidentiality and secrecy.
- Sensitively ensure that children know about the child protection policy.
- Make sure that minors know the organisation's rules about behaviour.

### **Combating Bullying**

The anti-bullying policy of BROSNA includes the following measures:

- Leaders provide adequate supervision at all activities.
- A complaints procedure is adopted if bullying occurs.
- The Code of Conduct raises awareness of bullying as an unacceptable form of behaviour.
- Provides a supportive environment for victims of bullying.
- Obtains co-operation of parents to combat bullying.

## **PRIVACY AND DIGNITY**

Everyone involved in the BROSNA activity should respect the personal space, safety and privacy of individuals.

- Treat them with dignity, sensitivity and respect.
- Make time to listen, talk to and get to know them.
- Encourage minors to have an input into how things are run.
- Help minors to be safe, happy and having as much fun as possible.
- Encourage them to express feelings, fears and experiences openly.
- Respect children's privacy in bathrooms or changing rooms.
- Be sensitive to the fact that some children are more vulnerable and have special needs.
- Care must be taken not to expose a child to embarrassment or disparagement by use of sarcastic or flippant remarks about the child or his or her family.

## **OTHER POINTS**

The nature of the relationship between leaders and a participant can often mean that they may learn confidential information about a young person and his/her family. This information must be regarded as confidential and—except where abuse is suspected—must not be divulged to a third party without the express permission of the young person / family.

Directors and leaders should refrain from smoking and consuming alcohol before and during activities with minors.

Every leader must agree in writing to this Code of Conduct. You should know the principles and practices of child protection, including your legal duties. This is an essential part of the induction training for any leader in BROSNA activities.

## CODE OF CONDUCT FOR PARENTS

### BROSNA considers that parents, guardians or carers should:

- Whenever possible and appropriate, co-operate with leaders in whatever supervision or running of activities, making travel arrangements etc. may be necessary, and suggest whatever improvements, corrections or initiatives you think would further the objectives of the activity.
- Be role models for the child and maintain the highest standards of conduct when interacting with children, other parents, with directors and leaders, in the context of activities for which BROSNA is responsible.
- Never intentionally expose any young participant to embarrassment or disparagement by the use of flippant or sarcastic remarks.
- Support efforts to prevent abusive or bullying behaviour in all its forms.
- Always recognise the value and importance of the volunteers who provide formational / recreational opportunities for your child.
- Read this Code of Conduct and complete and return the Consent Form pertaining to the child's participation in activities provided by BROSNA.
- Detail any health concerns pertaining to your child on the consent form. Any changes in child's state of health should be reported to a director before an activity.
- Ensure that the child is punctual for activities.
- Collect the child on time.
- Ensure that the child is properly attired for the weather conditions of the time.

### Parents or Guardians have the right to:

- Be informed of problems or concerns relating to their child.
- Be informed if their child is injured.
- Have their consent sought on issues relating to significant travel and excursions.
- Know that any misdemeanours and breach of this code of conduct will be dealt with immediately by a BROSNA official. Should a parent / guardian continue to be in breach of the Code of Conduct, it may involve BROSNA refusing permission for the child to continue his / her involvement in its activities.

## GUIDELINES FOR MINORS

After reading the Code of Conduct, the minor and his parent or guardian should sign the Acceptance Form (Appendix III - 2).

### Minors are entitled to:

- Be safe and to feel safe
- Be listened to
- Be believed
- Be treated with dignity, sensitivity and respect
- Participate on an equal basis
- Have fun and enjoy activities
- Comment and make suggestions
- Make complaints and have them dealt with in relation to abuse of any kind
- Appropriate confidentiality
- Approach the Designated Officer with any questions or concerns which they may have.

### Minors should not:

- Bully or use bullying tactics to isolate another participant
- Harm fellow participants or their property
- Cheat

- Tell lies about adults or other children
- Spread rumours.

**Young people:**

- If you receive an offensive photo, email or message, do not reply to it. Make a note of time and date and inform your parent or the club or activity leader
- Be careful about the people to whom you give your mobile number
- Do not respond to calls or messages from unfamiliar numbers
- Do not use your mobile phone in locations such as changing rooms.

## III - 2 Code of Conduct Acceptance Forms

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[Name of BROSNA CLUB or ACTIVITY]

### **CODE OF CONDUCT — PARTICIPANT**

*(This form is to be signed and returned to the Director of the Club or Leader of the activity)*

*To be completed by Participant*

I, [please print name] \_\_\_\_\_

having read and understood the BROSNA Code of Conduct, agree to abide by it.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

*To be completed by Parent / Guardian*

I, [please print name] \_\_\_\_\_

having read and understood the BROSNA Code of Conduct, agree to support its implementation.

I am aware that a serious or continued breach of the Code may result in my child being asked to leave the activity or sent home early at my expense.

I acknowledge that BROSNA will only be liable in the event of an accident if the management team fails to take reasonable steps in its duty of care for my child during the activity.

I am aware that this Code of Conduct is part of the BROSNA Child Safeguarding Manual, which is designed to safeguard my child and other children when they are engaged in youth activities under the aegis of BROSNA.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

[Name of BROSNA CLUB or ACTIVITY]

## CODE OF CONDUCT — LEADER

*(This form is to be signed and returned to the Director of the Club or Leader of the activity)*

*To be completed by a Leader or Helper*

I, [please print name] \_\_\_\_\_

having read and understood the BROSNA Code of Conduct, agree to abide by it.

I am aware that this Code of Conduct is part of the BROSNA Child Safeguarding Manual, which is designed to safeguard children when they are engaged in activities under the aegis of BROSNA and, insofar as it concerns me, I agree to implement that policy and its procedures in full.

I am aware that a serious or continued breach of this Code may result in my being required to suspend or cease my involvement in any youth activity with BROSNA.

I acknowledge that BROSNA will only be liable to me in the event of an accident if I have cooperated with its safeguarding, health and safety procedures and if a management team fails to take reasonable steps in its duty of care to me during the activity.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### III - 3 Youth Activity Registration Form

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## REGISTRATION FORM

We are very pleased to welcome you to [CLUB OR ACTIVITY]. To ensure we have the correct contact details for you, please complete this form and return it to [CLUB OR ACTIVITY DIRECTOR].

Please also ask your parent to sign the form below, before it is returned. We will also use this information to ensure that you are kept informed about club events.

Your Full Name:	
Known as:	Your Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
Your Age:	Date of Birth:
Parent's Address:	
Parent's Home Tel No:	Parent's Mobile No:
Name of friend/relative already attending:	
Emergency contact name:	
Emergency Tel No. (Home):	
Emergency Tel No. (Mobile):	
<i>If unavailable, contact</i> Name: Tel: Relationship to You:	
Doctor's Name:	Doctor's Tel No:
Please provide a brief description of the effects of any disability or medical condition and of any particular needs you may have:	
Any other special needs, requirements or directions that would be helpful for the leaders to know about:	

Dear Parent / Guardian / Carer

The information provided on this form will be held in confidence. Our leaders need to know these details in order to meet the specific needs of the participants.

The contact details given above should be those of the parent/carer, not those of a minor. It is considered poor practice to record the contact details of minors as it could leave them vulnerable if misled.

**PARENT STATEMENT**

I confirm that the above details are correct to the best of my knowledge and that I am qualified to give parental consent.

I have been made aware that [name of club] has developed a Child Safeguarding Policy and is committed to ensuring the safety of my child by having:

- A Code of Conduct (consent to which we have signed separately)
- A Designated Officer for Child Safeguarding
- A Policy on Photography
- A Recruitment & Vetting Policy for leaders and helpers
- A Policy on Travel and Accommodation for Minors
- A Disciplinary Procedure

I understand that [name of club] is committed to ensuring that any information gathered in relation to its youth activities meets its responsibilities as set out in the Data Protection Act 1998. I understand that [name of club] will store the above information on its youth activities database for a maximum of 36 months before re-registering my child if still associated with the club.

I agree to my child’s inclusion in media picture/videos complied while participating in activities of the Club to be used for promotional purposes in the following settings only:

[Please tick to confirm]

- Club or Brosna printed material (brochures, newsletters etc.)
- Club or Brosna web site or social media platform

Any third party use (e.g. other entities’ websites or local press) will be consulted on a case by case basis.

I understand in the event of injury or illness all reasonable steps will be taken to contact me, and to deal with that injury/illness appropriately. I will inform the leaders of any important changes to my child’s health, medication or needs and also of any changes to our address or phone numbers given.

In the event of illness, having parental responsibility for the above named child, I give permission for medical treatment to be administered where considered necessary by a nominated first aider, or by suitably qualified medical practitioners. If I cannot be contacted and my child should require emergency hospital treatment, I authorise a qualified medical practitioner to provide emergency treatment or medication.

By signing and returning this completed form, I agree to the participation of my son / daughter in and travel to / from activities for which BROSNA is responsible.

I have been made aware of BROSNA’s safeguarding procedures and the expectations of me as parent in supporting my child(ren) in this youth activity and have ensured that my child(ren) have been made aware of the Code of Conduct relevant to them and what to do if they are worried about anything within the club.

Signature of Minor \_\_\_\_\_  
 Print Name of Minor \_\_\_\_\_  
 Signature of Parent/Guardian \_\_\_\_\_  
 Date \_\_\_\_\_

***Please return this form to the Director of the Club or the Leader of the activity***

### III - 4 Accommodation & Travel Consent Form

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#### **ACCOMODATION OR TRAVEL WITH MINORS**

ACTIVITY: \_\_\_\_\_  
VENUE: \_\_\_\_\_  
DATES: \_\_\_\_\_

#### **LEADER**

I, [please print name] \_\_\_\_\_

hereby agree to abide by the guidelines and regulations contained in BROSNA'S Child Safeguarding Manual and Code of Conduct in my role as a leader in the above activity.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

#### **PARENT / GUARDIAN OF MINOR**

I, [please print name] \_\_\_\_\_

have consulted BROSNA'S Child Safeguarding Manual and Code of Conduct and I accept the conditions and rules set down therein for minors travelling to activities or participating in overnight events.

I consent to the participation of

[please print name] \_\_\_\_\_

in the above activity.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Emergency Contact No: \_\_\_\_\_

***Please return this form to the Director of the Club or the Leader of the activity***

## III - 5 Youth Leader Application Form

Position applied for:	
<b>A. PERSONAL DETAILS</b>	
See section 5, <i>National Vetting Bureau (Children and Vulnerable Persons) Act 2012</i>	
Full name (as it appears on your passport):	
Other name(s), if you use or are known by another name:	
Former name(s), if any:	
Sex (please tick):	Male <input type="checkbox"/> Female <input type="checkbox"/> Mother's maiden name:
Current home address (with eircode/postcode) for all correspondence:	
Previous address(es), if any:	
Email address:	Mobile Number:
Date of birth:	Place of birth:
Country of birth:	Nationality:
Passport number:	Personal Identification Number (if any):
<b>B. VISITOR APPLICANT</b>	
Arrival date in Ireland:	Departure date from Ireland:
Youth Club or School name:	
Youth Club or School address and postcode:	
Name & telephone of Club or School contact person:	
<b>C. POLICE CLEARANCE</b>	
Have you previously been the subject of a Vetting Disclosure or a Police Clearance Certificate for any organisation? Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes, please give details:
Have you ever been convicted of a Criminal Offence or been the subject of a Caution or of a Bound Over Order? Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes, please give details:
If you have applied for a Police Clearance Certificate(s) or equivalent (a) [ <i>visitor</i> ] in your country of origin, or (b) [ <i>everyone</i> ] in any other countries in which you have lived for 6 months or more in the past 7 years, please give details:	

**D. PREVIOUS EXPERIENCE**

Please outline any previous experience/involvement in a youth activity or club:

Do you suffer from any illness /disability / medical condition which may at times affect your ability to work with young people? If so, please give details:

Please give the name, address, telephone numbers and occupation / position of two people (not relatives of yours) who know you well and who are willing to provide a reference:

1.

2.

**DECLARATION OF CONSENT**

I, the above applicant, hereby declare that the above details are correct to the best of my knowledge and that I know of no reason why I might be considered unsuitable to work with children. I understand that should this situation change it is my responsibility to inform BROSNA immediately.

I hereby give my consent to the making of an application based on the foregoing information to the National Vetting Bureau and to the disclosure of information by the Bureau to the liaison person and the Designated Officer of BROSNA for the purposes of the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## III - 6 Leader Induction Checklist

[NAME OF CLUB OR ACTIVITY]

Confirmation by the Youth Activity Director and the Candidate that the following items have been covered with the Candidate:

### General Information

- Explanation of Induction
- Introduction to Director / Leaders / Colleagues
- Activity Structure and Services
- Code of Conduct Explained
- Use of Facilities
- Transport and Parking Arrangements
- Allowances
- Insurance

### Child Safeguarding

- Received & signed Code of Conduct
- Child Safeguarding training: booked to attend or already completed

### Health & Safety

- Health & Safety Policy
- Fire Procedures & Drills
- First Aid/Accident procedures
- Risk Assessments
- Security Arrangements / locking the venue
- Health & Safety and protective measures
- Emergency Procedures
- Health & Safety Training
- Smoking Policy

**Candidate** [please print name]:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Activity Director** [please print name]:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

# III - 7 Risk Assessment Form (Sample)

[NAME OF CLUB OR ACTIVITY]

Description of activity:

From:

To:

HEALTH & SAFETY			
Hazard	Precautions	Action needed	Complete
Cycling	Service bicycles	Check servicing of bicycles	Yes <input type="checkbox"/> No <input type="checkbox"/>
Canoes	Life jackets	Check number and condition	Yes <input type="checkbox"/> No <input type="checkbox"/>
Minibus	Serviced, seat belts, insurance	Check date of last service	Yes <input type="checkbox"/> No <input type="checkbox"/>
Food preparation	Storage, time limited, hygiene	Check sell-by dates, arrange cold store	Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
CHILD SAFEGUARDING			
Hazard	Precautions	Action needed	Complete
Travel	Consent Forms	Leaders and Parents to sign	Yes <input type="checkbox"/> No <input type="checkbox"/>
Overnight stay	Consent Forms	Leaders and Parents to sign	Yes <input type="checkbox"/> No <input type="checkbox"/>
Accommodation	Separate rooms for adults	Check attendance list, inspect venue	Yes <input type="checkbox"/> No <input type="checkbox"/>
Guidance	Suitable rooms or open areas	Check venue details	Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

Activity Director

[please print name]: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## III - 8 Accident Report Form

[NAME OF CLUB OR ACTIVITY]

Leader in Attendance:
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<b>INJURED PARTY</b>
Name:
Home address:

<b>ACCIDENT DETAILS</b>		
Accident Reported by [please print name]:		
Form Completed By [please print name]:		
Time of Accident:	Date of Accident:	
Date Reported:	Exact Location:	
Nature of Injury:		
How the accident happened: [describe what activity was taking place etc.]		
Name and contact details of witnesses:		
First Aid given	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
Ambulance contacted	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
Taken to A & E	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
If Yes, give details:		

INFORMATION COMMUNICATED		
Parents contacted	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
Director informed	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
Police contacted	<input type="checkbox"/> Yes <input type="checkbox"/> No	By whom:
Further action required:		

To the best of my knowledge, the above is a true record of the accident/incident.

Name  
[please print name]: \_\_\_\_\_

Position: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### III - 9 Preliminary CS Incident Report

[NAME OF CLUB OR ACTIVITY]

Report prepared by:		
Date:	Position:	
Child's Name:		
Child's Address:	_____	
	_____	
Child's Date of Birth:		
Parents' Names and Address:		
	_____	
	_____	
	_____	
When incident took place—	Date:	Time:
Describe exactly what the child said and what you said :		
<i>[Do not lead the child, just record the details as given. Continue on a separate sheet if necessary ]</i>		
Your observations:		
Action taken so far:		

INFORMATION COMMUNICATED TO —		
Designated Officer	<input type="checkbox"/> Yes <input type="checkbox"/> No	By:
Director	<input type="checkbox"/> Yes <input type="checkbox"/> No	By:
Parents	<input type="checkbox"/> Yes <input type="checkbox"/> No	By:
TUSLA	<input type="checkbox"/> Yes <input type="checkbox"/> No	By:
Office contacted:	Details of advice received:	
_____		
Name:	_____	
Contact no:	_____	
GARDA SÍOCHÁNA	<input type="checkbox"/> Yes <input type="checkbox"/> No	By:
Branch contacted:	Details of advice received:	
_____		
Name:	_____	
Contact no:	_____	
Further action required:		

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Information regarding a concern or incident of child abuse or neglect should only be shared within BROSNA and with the relevant statutory authorities on a strictly 'need to know' basis, with due regard to the right of the respondent to his or her good name and acting always in the best interests of the child.*

## III - 10 Types of Abuse

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### TYPES AND INDICATIONS OF CHILD ABUSE

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

More detail on each type of abuse is given in Appendix 1 of *Children First: National Guidance*.

#### Meaning of 'neglect'

In Section 2 of the Children First Bill (see Appendix III - 15, D), neglect is defined as an instance of *harm*—

“harm” means, in relation to a child—

- (a) 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,

“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child’s health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.

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

#### Meaning of 'emotional abuse'

In Section 2 of the Children First Bill (see Appendix III - 15, D), emotional and social welfare is specified as a component of welfare, damage to which constitutes harm—

“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.

Emotional abuse is normally to be found in the relationship between a parent or guardian and a child rather than in a specific event or pattern of events. It occurs when a child’s developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- emotional unavailability of the child’s parent or guardian;
- unresponsiveness of the parent or guardian and/or inconsistent or inappropriate expectations of the child;
- premature imposition of responsibility on the child;
- unrealistic or inappropriate expectations of the child’s capacity to understand something or to behave and control himself or herself in a certain way;
- under- or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child’s cognitive and emotional development;

- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent or guardian.

### Meaning of 'physical abuse'

In Section 2 of the Children First Bill (see Appendix III - 15, D), assault and ill-treatment are instances of harm—

"harm" means, in relation to a child—

- (a) 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,

"ill-treatment" means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;

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

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- creating or allowing a substantial risk of significant harm to a child.
- fabricated/induced illness (see Appendix 1 of Children First: National Guidance for details).

### Meaning of 'sexual abuse'

In Section 2 of the *Children First Bill* (see Appendix III - 15, D), sexual abuse is defined and specified as an instance of harm—

"harm" means, in relation to a child—

- (b) *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;

"sexual abuse" means, in relation to a child—

- (a) an offence against the child, specified in Schedule 3,
- (b) wilful exposure of the child to pornography, or
- (c) wilful sexual activity in the presence of the child.

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

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal;

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

## III - 11 Standard Tusla Report Form

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The *Children First Bill* (see Appendix III - 15, D) requires that a report of a concern to Tusla by mandated persons be made in a form specified by that Agency.

- 14.-(6) Subject to subsection (7), a report under subsection (1) or (2) shall be made by the completion of such form as shall be specified for that purpose by the Agency (in this Act referred to as a “mandated report form”) and may be made by the mandated person—
  - (a) himself or herself, or
  - (b) jointly with one or more than one other person, irrespective of whether or not the other person is a mandated person.
- (7) Where a mandated person acting in the course of his or her employment or profession knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm and should be removed to a place of safety, he or she may make a report to the Agency under subsection (1) or (2) other than by means of a mandated report form.
- (8) Where a mandated person makes a report under subsection (7), he or she shall in addition, complete a mandated report form as soon as may be but in any event not later than 3 days after the making of the first-mentioned report.
- (10) The Agency shall make a mandated report form available in such form and manner (including on the internet) as the Agency considers appropriate.

A copy image of the current Standard Report Form, which can be downloaded from the Tusla website ([www.tusla.ie](http://www.tusla.ie)), is provided on the following two pages of this Manual.

# STANDARD REPORT FORM

(For reporting CP&W Concerns)

**A. To Principal Social Worker/Designate:** \_\_\_\_\_

**1. Date of Report**

**2. Details of Child**

Name:	<input type="text"/>	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address:	<input type="text"/>	DOB	<input type="text"/>	Age	<input type="text"/>
		School	<input type="text"/>		
Alias	<input type="text"/>	Correspondence address (if different)	<input type="text"/>		
Telephone	<input type="text"/>	Telephone	<input type="text"/>		

**3. Details of Persons Reporting Concern(s)**

Name:	<input type="text"/>	Telephone No.	<input type="text"/>
Address:	<input type="text"/>	Occupation	<input type="text"/>
		Relationship to client	<input type="text"/>
Reporter wishes to remain anonymous <input type="checkbox"/>		Reporter discussed with parents/guardians <input type="checkbox"/>	

**4. Parents Aware of Report**

Are the child's parents/carers aware that this concern is being reported	- Mother	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	- Father	<input type="checkbox"/>	<input type="checkbox"/>
Comment	<input type="text"/>		

**5. Details of Report**

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known.)*

# STANDARD REPORT FORM

(For reporting CP&W Concerns)

## 6. Relationships

Details of Mother		Details of Father	
Name:		Name:	
Address: (if different to child)		Address: (if different to child)	
Telephone No's:		Telephone No's:	

## 7. Household composition

Name	Relationship	DOB	Additional Information e.g. School/ Occupation/Other:

## 8. Name and Address of other personnel or agencies involved with this child

	Name	Address
Social Worker		
PHN		
GP		
Hospital		
School		
Gardaí		
Pre-School/ Crèche/ YG		
Other (specify):		

## 9. Details of person(s) allegedly causing concern in relation to the child

Relationship to child:		Age		Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Name:			Occupation				
Address:							

## 10. Details of person completing form

Name:		Occupation:	
Address:		Telephone No's:	
Signed		Date:	

## III - 12 Tusla Contact Numbers

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Tusla – Child and Family Agency  
 Floors 2-5  
 Brunel Building  
 Heuston South Quarter  
 Dublin 8  
 Phone: 01-7718500  
 Email: info@tusla.ie

<b>SOME TUSLA AGENCIES</b>	<b>TELEPHONE</b>	
Cork: North Lee	021-4927000	
Cork: South Lee	021-4923001	
Cork West	028-40447	
Cork North	022-54100	
Dublin: Swords	01-8708000	
Dublin: Blanchardstown	01-6464518	
Dublin: Coolock	01-8160314	01-8164200
Dublin: Finglas	01-8567704	
Dublin: North Inner City	01-8566856	
Dublin: Tallaght	01-4686289	
Dublin: Lord Edward Street	01-6486500	
Dublin: Ballyfermot	01-6206387	
Dublin: Dun Laoghaire	01-6637300	
Galway: Oughterard	091-552200	
Galway: City	091-546366	
Galway: Tuam	093-37265	093-37264
Galway: Ballinsloe	090-9646200	
Galway: Loughrea	091-847820	
Limerick: Ballynanty	061-457102	
Limerick: Newcastle West	069-66653	
Limerick: South Hill	061-209985	
Limerick: Old Clare Street	006-1483091	
Meath	046-9097870	
Sligo: City	071-9155133	
Sligo: Tubbercurry	087-9299666	071-9120454
Waterford: City	051-842827	
Wicklow	040-460800	

(See [www.tusla.ie](http://www.tusla.ie) for a complete list)

### III - 13 BROSNA Educational Centres

*List of educational centres and premises administered by BROSNA*

	NAME OF CENTRE	YOUTH ACTIVITIES
1	<b>Anchor</b> Youth Centre 10 Mornington Park, Malahide Rd, Dublin D05 N4C2	(non-residential)
2	<b>Castleville</b> Study Centre Golf Links Road, Castletroy, Limerick, V94 YC95	
3	<b>Cleraun</b> Study Centre 90 Fosters Avenue, Co. Dublin, A94 VX73	
4	<b>Ely</b> University Centre 10 Hume Street, Dublin, D02 VY39	Ely Academy
5	<b>Gort Ard</b> University Residence Rockbarton North, Salthill, Galway, H91 KH94	
6	<b>Harvieston</b> 22 Cunningham Road, Dalkey, Co Dublin, A96 CX59	No youth activities
7	<b>Knapton</b> House 30 Knapton Road, Monkstown, Co Dublin, A96 XA46	No youth activities
8	<b>Nullamore</b> Study Centre Richmond Avenue Sth, Milltown, Dublin, D06 Y2X5	Nullamore Youth Club
9	<b>Laurel Lodge</b> Youth Centre Ballyknockan, Blessington, Co Wicklow W91 CY61	(occasional use)
10	<b>Carraigburn</b> Study Centre 1 Seaview Tce, Donnybrook, Dublin, D04 E302	
11	<b>Auburn</b> 56 Wilton Road, Cork, T12 H2FD	Wings Club
12	<b>Crofton</b> 5 Crofton Tce, Dun Laoghaire, Co Dublin, A96 EA47	Studio 5 Crofton Club
13	<b>Glenard</b> University Residence 36 Roebuck Rd, Clonskeagh, Dublin, D14 R6C1	Glenua Club Glenbeag Club
14	<b>Northbrook</b> 41 Fortfield Rd, Terenure, Dublin, D6W CD90	No youth activities
15	<b>Overdale</b> Study Centre Ennis Road, Limerick, V94 FHY4	
16	<b>Rathmore</b> 9 Castle Avenue, Clontarf, Dublin, D03 EW97	Rathmore Club
17	<b>Riversdale</b> House 7 Queen's Park, Monkstown, Co Dublin, A94 VX52	No youth activities
18	<b>Ros Geal</b> University Residence 19 University Road, Galway, H91 WY1F	Rosnua Club
19	<b>Seaview</b> 2 Seaview Tce, Donnybrook, Dublin 4, D04 E8Y1	No youth activities

## III - 14 BROSNA Management Committees

### *Management Committees of Centres administered by BROSNA*

Centre	NAME OF CENTRE	MANAGEMENT COMMITTEES
1	<b>Anchor</b> Youth Centre	(Administered by MC 7.3)
2	<b>Castleville</b> Study Centre	<b>2.1 House Committee</b> 2.2 Adult Formation Committee
3	<b>Cleraun</b> Study Centre	<b>3.1 House Committee</b>
4	<b>Ely</b> University Centre	<b>4.1 House Committee</b> 4.2 Adult Formation Committees
5	<b>Gort Ard</b> University Residence	<b>5.1 House Committee</b> 5.2 Adult Formation Committee
6	<b>Harvieston</b>	6.1 House Committee
7	<b>Knapton</b> House	7.1 House Committee 7.2 Adult Formation Committees <b>7.3 External Activities Committee</b>
8	<b>Nullamore</b> Study Centre	<b>8.1 House Committee</b>
9	<b>Laurel Lodge</b> Youth Centre	(Administered by MC 7.3)
10	<b>Auburn</b>	(Administered by MC 15.1)
11	<b>Carraigburn</b> Study Centre	(Administered by MC 13.1)
12	<b>Crofton</b>	<b>12.1 House Committee</b> 12.2 Adult Formation Committee
13	<b>Glenard</b> University Residence	<b>13.1 House Committee</b> 13.2 Adult Formation Committee
14	<b>Northbrook</b>	14.1 House Committee 14.2 Adult Formation Committee
15	<b>Overdale</b> Study Centre	<b>15.1 House Committee</b> 15.2 Adult Formation Committee
16	<b>Rathmore</b>	<b>16.1 House Committee</b> 16.2 Adult Formation Committee
17	<b>Riversdale</b> House	17.1 House Committee
18	<b>Ros Geal</b> University Residence	<b>18.1 House Committee</b> 18.2 Adult Formation Committee
19	<b>Seaview</b>	19.1 House Committee 19.2 Adult Formation Committee 19.3 External Activities Committee

Management Committees highlighted in bold may have Youth Activity responsibilities

**Excerpts from the following sources, to facilitate reference:**

- A. Protections for Persons Reporting Child Abuse Act, 1998
  - B. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012
  - C. National Vetting Bureau (Children and Vulnerable Persons) Act 2012
  - D. Children First Bill 2014 (as passed by Dáil Éireann, 14 July 2015)
  - E. Department of Children and Youth Affairs, *Children First: National Guidance for the Protection and Welfare of Children*, 2011
  - F. Department of Health and Children, *Our Duty to Care: The principles of good practice for the protection of children and young people*, published in 2002
  - G. Department of Education and Science, *Child Protection Procedures for Primary and Post-Primary Schools*, published in 2011.
- 

**A. PROTECTION OF DISCLOSURE****Protections for Persons Reporting Child Abuse Act, 1998**

3. - (1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that—
- (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
  - (b) a child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

**Comment:**

Section 3(1) of the Act provides that a person shall not be liable in damages in respect of the communication, whether in writing or otherwise, to a member of the Garda Síochána or to a designated member of a Health Board of his or her opinion that a child has been sexually abused, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

The Act would clearly protect the communication by an intermediary of what he learned from a victim to a member of the Garda Síochána or to a designated member of Tusla. Other than those mentioned in Section 3, the Act does not protect communications made to any other persons, or made in Northern Ireland.

The common law confers a protection known as “qualified privilege” on communications made by persons who have a right or a duty to make them, or who have an interest in protecting another person.<sup>30</sup>

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<sup>30</sup> DES, *Child Protection Procedures for Primary and Post-Primary Schools*, 2011— Section 1.11.2-3 “Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, acting in loco parentis, would be expected to act in the child's best interests and in making the report would be regarded as acting in such a manner. Privilege can be displaced only where it can be established that the person making the report acted maliciously. Furthermore, those reporting a child's disclosure or concerns about a child's behaviour or welfare are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing a charge.”

It would be necessary to know the circumstances of the allegation before acting on the basis of any qualified privilege<sup>31</sup> and in any case to act in accordance with natural justice.<sup>32</sup>

Should a respondent become aware that an allegation has been transmitted other than to a member of the Garda Síochána or to a designated member of a Health Board, he may consider that his good name has been injured and have grounds for taking an action for defamation against any person making such a communication.

## B. OBLIGATION TO REPORT SERIOUS OFFENCES

### The Criminal Justice Act, 2006

176. - A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –
- (b) (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
  - (c) (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation,
- is guilty of an offence.

### The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012

2. - (1) Subject to this section, a person shall be guilty of an offence if—
- (a) he or she knows or believes that an offence, that is a Schedule 1 offence, has been committed by another person against a child, and
  - (b) he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána.
- (2) Subsection (1) applies only to information that a person acquires, receives or becomes aware of after the passing of this Act irrespective of whether the Schedule 1 offence concerned was committed before or after that passing.
- (3) The child against whom the Schedule 1 offence concerned was committed (whether or not still a child) shall not be guilty of an offence under this section.
- (4) This section is without prejudice to any right or privilege that may arise in any criminal proceedings by virtue of any rule of law or other enactment entitling a person to refuse to disclose information.
4. - (1) Subject to this section, in any proceedings for an offence under section 2 or 3, it shall be a defence for the accused person to show—
- (a) that the child or vulnerable person against whom the Schedule 1 offence or the Schedule 2 offence, as the case may be, concerned was committed made known his or her view (provided that he or she was capable of forming a view on the matter) that the commission of that offence, or information relating to it, should not be disclosed to the Garda Síochána, and
  - (b) that he or she (the accused person) knew of and relied upon that view.

#### SCHEDULE 1

##### *Offences against children for purposes of offence under section 2*

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.

<sup>31</sup> DES, *Child Protection Procedures for Primary and Post-Primary Schools*, 2011— Section 5.3.2 ... Where an allegation of abuse or neglect is made by an adult, a written statement should be sought from this person. The ability of the HSE or the employer to assess suspicions or allegations of abuse or neglect will depend on the amount and quality of information conveyed to them. Whether or not the matter is being reported to the HSE, the DLP shall always inform the employer of the allegation.

<sup>32</sup> DES, *Child Protection Procedures for Primary and Post-Primary Schools*, 2011— Section 5.4.8 Employers are reminded of their responsibilities to maintain strict confidentiality about all matters relating to these issues. The principles of due process and natural justice shall be adhered to by the employer at all times.

5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993.
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
13. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998—
  - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
  - (b) section 4 (allowing child to be used for child pornography).
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—
  - (a) section 2 (trafficking, etc., of children),
  - (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
  - (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
18. An offence under any of the following provisions of the Non Fatal Offences against the Person Act 1997—
  - (a) section 3 (assault causing harm),
  - (b) section 4 (causing serious harm),
  - (c) section 5 (threats to kill or cause serious harm),
  - (d) section 13 (endangerment),
  - (e) section 15 (false imprisonment),
  - (f) section 16 (abduction of child by parent, etc.),
  - (g) section 17 (abduction of child by other persons).
19. An offence under section 246 of the Children Act 2001 (cruelty to children).
20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012—
  - (a) section 2 (offences of female genital mutilation, etc.),
  - (b) section 3 (offence of removal from State for purpose of female genital mutilation),
  - (c) section 4 (acts, etc., done outside State).

**Comment:**

The Act came into force on the 1 August 2012. It creates an offence of withholding information regarding certain *arrestable* offences against children and vulnerable persons. The Act applies to all but it is of particular relevance to those working with children and vulnerable persons.

Section 2 of the Act requires a person—

- who knows or believes that a Schedule 1 offence has been committed, and
- who has information, acquired on or after August 1st 2012, which he or she knows or believes might be of material assistance in the case

to report that knowledge or belief to a member of the Garda Síochána.

A “Schedule 1 offence” means an offence that is an arrestable offence<sup>33</sup> and is specified in Schedule 1 of the Act. The specified acts are generally of a more serious nature; acts of ‘gross indecency’, for example, are not included.<sup>34</sup> The role of the accused vis-à-vis the victim may be relevant, e.g. a person in authority, such as a teacher, would be liable for a greater sentence in respect of an offence on a pupil.<sup>35</sup> The victim is excluded from the statutory requirement to report.

It is a defence for another person to rely on the knowledge that a competent victim does not wish to report the offence (Section 4).

## C. OBLIGATION TO OBTAIN VETTING DISCLOSURE

### National Vetting Bureau (Children and Vulnerable Persons) Act 2012

2.— In this Act—

“relevant organisation” means a person (including a body corporate or an unincorporated body of persons)—

(d) (a) who—

- (i) employs (whether under contract of employment or otherwise) any person to undertake relevant work or activities,
- (ii) enters into a contract for services with any person for the provision by that person of services that constitute relevant work or activities,
- (iii) permits any person (whether or not for commercial or any other consideration) to undertake relevant work or activities on the person’s behalf,
- (iv) is a provider of courses of education or training, including internship schemes, for persons and, as part of such education or training or scheme, places or makes arrangements for the placement of any person in work experience or activities where a necessary part of the placement involves participation in relevant work or activities, but does not include an individual who does any of the matters referred to in subparagraphs (i) to (iv) in the course of a private arrangement,

“relevant work or activities” means—

- (e) (a) relevant work or activities relating to children, or
- (f) (b) relevant work or activities relating to vulnerable persons;

“relevant work or activities relating to children” shall be construed in accordance with Part 1 of Schedule 1;

“relevant work or activities relating to vulnerable persons” shall be construed in accordance with Part 2 of Schedule 1;

“private arrangement” means an arrangement made by an individual for the provision by any person of relevant work or activities—

- (g) (a) for, or for the benefit of, the individual, or
- (h) (b) for, or for the benefit of, a child or vulnerable person who is a member of the individual’s family.

“vulnerable person” means a person, other than a child, who—

- (i) (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (j) (b) has an intellectual disability,
- (k) (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (l) (d) has a physical disability, which is of such a nature or degree—
  - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

2. - (1) This Act shall not apply to any of the following, namely:

- (a) any relevant work or activities undertaken in the course of a family relationship;

<sup>33</sup> Criminal Law Act, 1997, Section 2.—(1) “arrestable offence” means an offence for which a person of full capacity and not previously convicted may, under or by virtue of any enactment, be punished by imprisonment for a term of five years or by a more severe penalty and includes an attempt to commit any such offence.”

<sup>34</sup> Criminal Law (Sexual Offences) Act, 1993, Section 4.—A male person who commits or attempts to commit an act of gross indecency with another male person under the age of 17 years shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 2 years.

<sup>35</sup> Criminal Law (Sexual Offences) Act 2006, Section 3(2).—Any person who attempts to engage in a sexual act with a child who is under the age of 17 years shall be guilty of an offence and shall, subject to subsection (4) be liable on conviction on indictment—

- (a) to imprisonment for a term not exceeding 2 years, or
- (b) if he or she is a person in authority, to imprisonment for a term not exceeding 4 years.

- (b) any relevant work or activities undertaken—
    - (i) in the course of a personal relationship, and
    - (ii) for no commercial consideration;
  - (c) the giving of assistance by an individual—
    - (i) on an occasional basis, and
    - (iii) for no commercial consideration,
 at a school, sports or community event or activity, other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons.
- (2) In this section—
- “**family relationship**” includes a relationship between 2 persons who live in the same household and treat each other as though they were members of the same family;
- “**personal relationship**” means a relationship between or among friends and a friend of a member of an individual’s family shall be regarded as being a friend of the individual also.
8. - (1) The Chief Bureau Officer shall cause to be established and maintained, in such form (including electronic form) as he or she considers appropriate, a register of relevant organisations.
- (2) A relevant organisation shall, in accordance with this section, apply to the Bureau to be registered in the register of relevant organisations.
- (3) A relevant organisation that, immediately before the commencement of this section, is registered with the Garda Central Vetting Unit shall, on such commencement, be deemed to be registered in the register of relevant organisations.
- (4) A relevant organisation shall not be required to comply with subsection (2) if applications for vetting disclosures are submitted to the Bureau on its behalf by another relevant organisation that is registered on the register of relevant organisations.
9. - (1) A relevant organisation that is registered in the register of relevant organisations shall, for the purposes of applying for and receiving vetting disclosures in accordance with this Act, nominate in writing a person (in this Act referred to as a “liaison person”) to be registered in the register of relevant organisations as the liaison person of the organisation.
- 12.- (1) A relevant organisation shall not—
- (a) employ (whether under contract of employment or otherwise) any person to undertake relevant work or activities,
  - (b) enter into a contract for services with any person for the provision by that person of services which constitute relevant work or activities,
  - (c) permit any person to undertake relevant work or activities on behalf of the organisation (whether or not for commercial or any other consideration),
  - (d) in a case where the relevant organisation is a provider of any course of education, training or scheme, including an internship scheme, place or make arrangements for the placement of a person as part of such education, training or scheme, if a necessary and regular part of such placement requires the participation by the person in relevant work or activities, unless the organisation receives a vetting disclosure from the Bureau in respect of that person.
- 13.- (4) An application under this section for vetting disclosure in respect of a person shall—
- (a) be in such form as may be specified by the Bureau,
  - (b) include the information specified in subsection (5) in relation to the person,
  - (c) identify the relevant work or activity to which the application relates,
  - (d) include, in such form as may be specified by the Bureau, a declaration that the applicant is a liaison person for a relevant organisation and is authorised by the organisation to seek vetting disclosure in respect of the person,
  - (e) subject to subsection (6), include, in such form as may be specified by the Bureau, a declaration (in this Act referred to as a “declaration of consent”) by the person that he or she consents to the making of the application and to the disclosure of information by the Bureau to the liaison person for the purposes of this Act, and
  - (f) be accompanied by such fee (if any) as may be prescribed.
- (5) The following information is specified for the purposes of subsection (4)(b) in relation to a person in respect of whom an application for vetting disclosure is made:
- (a) his or her name and, where he or she also uses one or more other names, each of those names;
  - (b) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;

- (c) his or her sex;
  - (d) his or her mother's maiden name;
  - (e) his or her address;
  - (f) his or her previous addresses (if any);
  - (g) his or her date of birth;
  - (h) his or her place of birth;
  - (i) his or her nationality (if known);
  - (j) his or her Passport Number (if available);
  - (k) his or her personal identification number (if any);
  - (l) in a case where he or she has a criminal record, particulars of such record;
  - (m) such other information as the Bureau may reasonably require for the performance of its functions under this Act.
- (6) If a person in respect of whom an application for vetting disclosure is made under this section is under 18 years of age, a declaration under subsection (4)(e) may be made on his or her behalf by a parent or guardian of the person.

## SCHEDULE 1

## PART 1

*Relevant Work or Activities Relating to Children*

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
  - (b) a school or centre of education, both within the meaning of the Education Act 1998,
3. Any work or activity which consists of treatment, therapy or counselling provided to a child by a person in the course of that work or activity.
4. Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children.
5. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children.
6. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to children unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs.
8. Work as a driver of a public service vehicle which is being used only for the purpose of conveying children.
9. The provision by a person, whether or not for commercial or other consideration, of accommodation for a child in his or her own home.

## SCHEDULE 1

## PART 2

*Relevant Work or Activities Relating to Vulnerable Persons*

4. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons.

**Comment:**

The Act has not been commenced as of 1st September 2015. When it comes into force, it will establish a new National Vetting Bureau with significant responsibilities. This Bureau will replace the current Garda Central Vetting Unit (GCVU).

BROSNA youth activities are “relevant work or activities relating to children” and come inter alia within Schedule 1, Part 1, no. 5. BROSNA is thus a relevant organisation, in that it employs or permits people (whether or not for commercial or any other consideration) to undertake relevant work or activities with minors on its behalf.

The work of priests comes within Schedule 1, Part 1, no. 7 of the Schedule, irrespective of their actual activity. This definition is very wide. In effect, every priest will require vetting irrespective of his pastoral assignments.

BROSNA will therefore be obliged by the Act (s. 12) to obtain a vetting disclosure before engaging or permitting anyone to act on its behalf in relation to children.

### **Garda Central Vetting Unit**

Vetting disclosures may be obtained in the interim from the Garda Central Vetting Unit (GCVU). The GCVU provides the only Garda vetting service in the Republic of Ireland. The Unit can be contacted at:-

Garda Central Vetting Unit  
E1/F2 Innovation Works 1  
Tipperary Technology Park  
Thurles, Co. Tipperary, E41 RD60  
Tel: Lo-Call 1890 488 488/+353 504 27300  
Office Hours: Monday to Friday, 9am-5pm

In order for an organisation to avail of Garda vetting for their staff and volunteers they must be registered with the Central Garda Vetting Unit in Thurles. Large youth work organisations (with approx. 200+ vetting applications in one year) may be able to register with the central vetting unit and avail of the vetting service directly through their own appointed authorised signatory. Smaller youth work organisations (such as BROSNA), which are not registered with the vetting unit, may access Garda vetting through membership of the NYCI Youth Work Garda Vetting Consortium.

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## **D. SAFEGUARDING STATEMENTS & MANDATORY REPORTING**

### **Children First Bill, 2014 (as passed by Dáil Eireann, 14 July 2015)**

2. - In this Act—

“harm” means, in relation to a child—

- (a) 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
- (b) 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;

“ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;

“mandated person” means a person who is a person specified in Schedule 2;

“mandated report form” has the meaning assigned to it by section 14(6);

“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;

“relevant service” means any work or activity specified in Schedule 1;

“sexual abuse” means, in relation to a child—

- (a) an offence against the child, specified in Schedule 3,
- (c) wilful exposure of the child to pornography, or
- (d) wilful sexual activity in the presence of the child;

“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.

6. - (1) The Minister may issue guidelines for the purpose of providing practical guidance to persons in respect of the protection and welfare of children.

(2) The Minister shall publish guidelines issued under subsection (1) in such manner (including on the internet) as he or she considers appropriate.

- (3) Any guidelines that have been issued by the Minister before the commencement of this subsection for the purpose of providing practical guidance in respect of the protection and welfare of children, and that are in force immediately before that commencement, shall, on such commencement, be deemed to be guidelines issued under subsection (1).

8. - In this Part—

“**contract of employment**” means—

- (a) a contract of service or apprenticeship, or
- (b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), whether the contract is express or implied and, if express, whether it is oral or in writing;

“**relevant person**” means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s child safeguarding statement.

“**provider**” means, in relation to a relevant service, a person—

- (a) who provides a relevant service, and
- (b) who, in respect of the provision of such relevant service—
  - (i) employs (whether under contract of employment or otherwise) one or more than one other person to undertake any work or activity that constitutes a relevant service,
  - (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or
  - (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service;

9. - A person who would but for this section be regarded as a provider of a relevant service shall not be a provider for the purposes of this Part if the relevant service being provided by the person concerned is—

- (a) undertaken in the course of a family relationship, where the work or activity is undertaken solely for the benefit of a child or other family member of the person,
- (b) undertaken in the course of a personal relationship for no commercial consideration, or
- (c) undertaken on an occasional basis only for no consideration at a school, sports or community event or activity.

10. - A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service.

11.-(1) Where a person proposes to operate as a provider of a relevant service, he or she shall, within 3 months from the date on which he or she commences as such a provider—

- (a) undertake an assessment of any potential for harm to a child while availing of the service (in this section referred to as a “risk”),
- (b) prepare, in accordance with subsection (3), a written statement (in this Act referred to as a “child safeguarding statement”) specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm, and
- (c) appoint a **relevant person** for the purposes of this Part.

(3) A child safeguarding statement shall include a written assessment of the risk and, in that regard, specify the procedures that are in place—

- (a) to manage any risk identified,
- (b) in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service,
- (c) for the selection or recruitment of any person as a member of staff of the provider with regard to that person’s suitability to work with children,
- (d) for the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm,
- (e) for reporting to the Agency by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this Act or the guidelines issued by the Minister under section 6,
- (f) for maintaining a list of the persons (if any) in the relevant service who are mandated persons, and
- (g) for appointing a relevant person for the purposes of this Part.

(4) A provider of a relevant service shall ensure that the child safeguarding statement being prepared by the provider has due regard to, and is in accordance with, any guidelines issued by—

- (a) the Minister under section 6, and

- (b) the Agency concerning child safeguarding statements.
- (5) A provider of a relevant service shall furnish a copy of the provider's child safeguarding statement—
  - (a) to members of staff of the provider, and
  - (b) on request—
    - (i) to a parent or guardian, as the case may be, of a child availing of the relevant services,
    - (ii) to the Agency, or
    - (iii) to members of the public.
- (7) Subject to subsection (8), a provider of a relevant service shall, at intervals of not more than 24 months, undertake a review of the provider's child safeguarding statement and the first such review shall be undertaken not more than 24 months from the date on which the first child safeguarding statement was prepared under subsection (1) or (2), as the case may be, and displayed under subsection (6), and any subsequent review shall be undertaken not more than 24 months from the date when the last review was undertaken.
- (10) In this section "member of staff" means, in relation to a provider, a person referred to in subparagraph (i), (ii) or (iii) of paragraph (b) of the definition of "provider" as set out in section 8.
- 14.-(1) Subject to subsections (3), (4), (5), (6) and (7), where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that 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—
  - (a) has been harmed,
  - (b) is being harmed, or
  - (c) 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.
- (2) 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 that belief to a mandated person in the course of the mandated person's employment or profession as such a person, the mandated person shall, subject to subsections (5), (6) and (7), as soon as practicable, report that disclosure to the Agency.
- (3) A mandated person shall not be required to make a report to the Agency under subsection (1) where—
  - (a) he or she knows or believes that—
    - (i) a child who is aged 15 years or more but less than 17 years is engaged in sexual activity, and
    - (ii) the other party to the sexual activity concerned is not more than 2 years older than the child concerned,
  - (b) he or she knows or believes that—
    - (i) there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned, and
    - (ii) the relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party,
  - (c) he or she is satisfied that subsection (2) does not apply, and
  - (d) the child concerned has made known to the mandated person his or her view that the activity, or information relating to it, should not be disclosed to the Agency and the mandated person relied upon that view.
- (4) A mandated person shall not be required to make a report to the Agency under subsection (1) where the sole basis for the mandated person's knowledge, belief or suspicion is as a result of information he or she has acquired, received or become aware of—
  - (a) from—
    - (i) another mandated person, or
    - (ii) a person, other than a mandated person, who has reported jointly with a mandated person pursuant to subsection (6)(b), that a report has been made to the Agency in respect of the child concerned by that other person,
  - (b) pursuant to his or her role, as a member of staff of the Agency, in carrying out an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed, or
  - (c) pursuant to his or her role in assisting the Agency with an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed.

- (5) Subsections (1) and (2) apply only to information that a mandated person acquires, receives or becomes aware of after the commencement of this section irrespective of whether the harm concerned occurred before or after that commencement.
- (6) Subject to subsection (7), a report under subsection (1) or (2) shall be made by the completion of such form as shall be specified for that purpose by the Agency (in this Act referred to as a “**mandated report form**”) and may be made by the mandated person—
  - (a) himself or herself, or
  - (b) jointly with one or more than one other person, irrespective of whether or not the other person is a mandated person.
- (7) Where a mandated person acting in the course of his or her employment or profession knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm and should be removed to a place of safety, he or she may make a report to the Agency under subsection (1) or (2) other than by means of a mandated report form.
- (8) Where a mandated person makes a report under subsection (7), he or she shall in addition, complete a mandated report form as soon as may be but in any event not later than 3 days after the making of the first-mentioned report.
- (11) The obligations imposed on a mandated person under this section are in addition to, and not in substitution for, any other obligation that the person has to disclose information to the Agency (whether or not in his or her capacity as a mandated person), but, subject to subsection (8), this section shall not require the mandated person to disclose that information to the Agency more than once.

#### SCHEDULE 1

##### *Relevant Services*

5. Any work or activity which consists of the provision of—
  - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
  - (b) care or supervision of children, or
  - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.

#### SCHEDULE 2

##### *Mandated Persons*

15. Person employed in any of the following capacities:
  - (f) manager of a language school or other recreational school where children reside away from home;
  - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
  - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
  - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act, 2001.

#### SCHEDULE 3

##### *Offences for Purposes of Paragraph (a) of Definition of “Sexual Abuse” in Section 2*

1. Rape.
2. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
3. Sexual assault.
4. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).

7. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).
8. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
9. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).
10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
  - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation);
  - (b) section 4 (allowing child to be used for child pornography).
11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person).
12. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
13. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child)

**Comment:**

BROSNA youth activities are “relevant services” as defined *inter alia* in Schedule 1, Part 1, no. 5 of the Children First Bill.

BROSNA is a “provider”, in that it employs or permits people (whether or not for commercial or any other consideration) to undertake a work or activity that constitutes a relevant service to minors on its behalf.

The Children First Bill (when enacted) will require that BROSNA —

- undertake an assessment of any potential for risk of harm to a child while that child is availing of its services,
- prepare, publish and review a Child Safeguarding Statement to manage that risk and to provide for related matters,
- appoint a person to be the first point of contact in relation to that Statement,
- identify which persons employed by it to work with children have statutory reporting obligations, as mandated persons, to the Child and Family Agency, Tusla, in relation to concerns raised about possible instances of abuse of minors.

Tusla may request any mandated persons to give to the Agency such assistance as it may reasonably require.

**Youth Work Act, 2001** — See Schedule One, Part 2, No. 15(k) of Children First Bill, 2014

2. - (1) In this Act, unless the context otherwise requires—

“young person” means a person who has not attained the age of 25 years;

“youth work service” means a service which, directly or indirectly, assists in the provision of youth work.

3. - In this Act—

“youth work” means a planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young persons through their voluntary participation, and which is—

- (a) complementary to their formal, academic or vocational education and training; and
- (b) provided primarily by voluntary youth work organisations.

## E. NATIONAL GUIDANCE

Department of Children and Youth Affairs, *Children First: National Guidance for the Protection and Welfare of Children*, 2011

3.6.1 An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

3.6.2 If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the counsellor / health professional should report the allegation to the HSE Children and Family Services [now Tusla] without delay.

4.7.2 All statutory, voluntary and community organisations working with and in direct contact with children should have procedures and guidelines derived from and consistent with the current Children First: National Guidance for their staff and volunteers. The content of such local guidelines should not be at variance with the national guidance, but there may be particular specificity or elaboration appropriate to local circumstances (see Appendix 8 for guidance on developing local child protection procedures). Voluntary and community organisations, for example, will need to outline specific procedures for personnel on how to respond to concerns or suspicions of child abuse. Where these organisations have adapted the national guidance to local guidelines and wish to have them reviewed for their efficacy, HSE Children and Family Services [now Tusla] will facilitate this. Completed local guidelines should be forwarded to the HSE Children and Family Services [now Tusla] as a matter of good practice.

4.7.3 *Our Duty to Care*: The principles of good practice for the protection of children and young people, published in 2002, offers specific guidance to the community and voluntary sectors on the promotion of child protection and welfare practices. The document includes information on the correct steps to be taken if child abuse is suspected, witnessed or disclosed. It also contains information on developing safe recruitment procedures and policies. It should be read in conjunction with the national guidance.

**Comment:**

*Children First* is a National Guidance Document issued by the Department of Children and Youth Affairs in 2011 and is applicable primarily to all individuals and organisations working with children.

It deals inter alia with retrospective reporting of sexual abuse.<sup>36</sup> In a retrospective case, the CF guidelines indicate a reporting obligation where there is a current risk to children.

It provides that local child safeguarding policies should be “derived from and consistent with” the guidance in Children First and “should not be at variance” with it.

A Bill to put these guidelines on a statutory basis is before the Oireachtas. It was passed by Dáil Eireann in July 2015. The guidance document is referred to in Section 6 of the Children First Bill, 2014.

## F. VOLUNTARY SECTOR GUIDANCE

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

**Comment:**

*Children First* cites the earlier *Our Duty to Care* guidance as relevant for the voluntary sector, when read in conjunction with Children First. *Our Duty to Care* “offers specific guidance to the community and voluntary sectors on the promotion of child protection and welfare practices. The document includes information on the correct steps to be taken if child abuse is suspected, witnessed or disclosed. It also contains information on developing safe recruitment procedures and policies.”

## G. SECONDARY SCHOOL GUIDANCE

Department of Education and Skills, *Child Protection Procedures for Primary and Post-Primary Schools*, published in 2011.

**Comment:**

This is a mandatory policy document for all recognised schools, replacing separate policies published in 2001 and 2004 for primary and secondary schools respectively. The purpose of the policy and procedures is to give a uniform direction and guidance to school management authorities and school personnel in implementing Children First within the school setting. The procedures also require all primary schools to fully implement the Stay Safe programme.

<sup>36</sup> Paragraph 3.6.1 of *Children First: National Guidance for the Protection and Welfare of Children*, 2011.