

APPENDIX 7 - Reporting and Protection

Responding to Child Abuse:

Regardless of how a concern comes to a coach/volunteer's attention, it must be reported to the Designated Liaison Person (DLP).

The Designated Liaison Person (DLP), in consultation with the person who raised the concern, will decide if reasonable grounds for concern exist. If reasonable grounds for concern exist, the Designated Liaison Person will report to a Tusla duty social worker. If as the DLP you decide not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting should be recorded.
- Any actions taken as a result of the concern should be recorded.
- The employee or coach/volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla.
- The employee or coach/volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

The individual employee or coach/volunteer has protections under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

Your organisation/club should have a procedure for recording certain concerns which, following consideration, do not initially meet reasonable grounds for concern. This procedure should identify where such concerns are recorded, who has access to these records and who is responsible for reviewing these records in line with GDPR. Concerns which do not initially meet reasonable grounds for concern may, upon review, show patterns or clusters which may heighten the level of concern.

Recording:

Your organisation/club's child safeguarding procedures should contain guidance on record-keeping.

- Records should be factual and include details of contacts, consultations and any actions taken.
- All agencies dealing with children must cooperate in the sharing of records with the statutory authorities where a child protection or welfare issue arises.
- Ensure that records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation/club.
- Records should only be used for the purpose for which they are intended.
- Records should only be shared on a need to know basis in the best interests of the child/young person.
- Clearly state who within your organisation/club has access to particular types of records.

- State the location where records are stored.

- Indicate how long the organisation will retain these types of records.
- Child protection records should be updated as required and reviewed regularly by the Designated Liaison Person (DLP).

Reasonable Grounds for concern:

There are many reasons a coach/volunteer may be concerned about the welfare or protection of a child or young person. Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI) states that “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”.

It is important to remember that children/young people are sometimes abused by members of their own family, by peers or by others outside the family environment such as strangers, workers or trusted adults. Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI) lists the following as reasonable grounds for concern:

- Evidence, for example, an injury or behaviour consistent with abuse and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw a child being abused.

Wherever appropriate, any issues should be checked with the parents/carers when considering whether a concern exists unless doing so may further endanger the child or the person considering making the report. The DLP should be able to support this process.

It is important to remember that abuse is not always committed through personal contact with a child or a young person, sometimes it is perpetrated through social media or the use of information and communication technology.

Responding to a child/young person who discloses abuse:

A child or young person may disclose to a coach/volunteer that they have been or are being harmed or abused. Children/ young people will often have different ways of communicating that they are being abused. If a child or young person hints at or tells a coach/volunteer that he or she is being harmed by someone, be it a parent/carer, another adult or by another child/young person (peer abuse), it should be treated in a sensitive way.

Remember, a child/young person may disclose abuse to you as a trusted adult at any time during your work with them. It is important that you are aware and prepared for this.

- Be as calm and natural as possible.
- Remember that you have been approached because you are trusted and possibly liked.
- Do not panic.

- Be aware that disclosures can be very difficult for the child/young person.

Remember, the child or young person may initially be testing your reactions and may be only fully open up over a period of time.

- Listen to what the child/young person has to say. Give them the time and opportunity to tell as much as they are able and wish to.
- Do not pressurise the child/young person. Allow him or her to disclose at their own pace and in their own language.
- Conceal any signs of disgust, anger or disbelief.
- Accept what the child or young person has to say – false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself.

It may be necessary to reassure the child/young person that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.

Reassure the child/young person that they have taken the right action in talking to you.

When asking questions:

- Questions should be supportive and for the purpose of clarification only.
- Avoid leading questions, such as asking whether a specific person carried out the abuse.
- You should also avoid asking about intimate details or suggesting that something else may have happened other than what you have been told

Confidentiality:

It is essential that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information. Your organisation/club child safeguarding procedures should include a statement on confidentiality.

Below are the key points your organisation/club should consider in terms of confidentiality:

- Where child protection and welfare concerns arise, information must be shared on a 'need to know' basis in the best interest of the child/young person with the relevant statutory authorities and with parents/guardians.
- No undertakings regarding secrecy can be given. Those working with children/young people and families and in adult services should make this clear to parents/guardians and to the child/young person.
- The proportionate provision of information to the statutory agencies necessary for the protection of a child is not a breach of confidentiality or data protection.
- Parents/guardians and children/young people have a right to know if personal information is being shared, unless doing so could put the child/young person at further risk or may put the reporter at risk.

Reporting concerns about a Child

All organisations/clubs should have procedures in place for reporting any concerns about the welfare or protection of a child that arise. You should make sure the procedures are available and followed by all staff members, volunteers, and individuals undertaking work experience or internships within your organisation.

Procedures for your staff and volunteers on reporting concerns should include:

Seeking advice and guidance:

Who to pass the concern to? Who the worker/volunteer consults with and reports the concern on to internally? That is, the Designated Liaison Person. (See our Website for our DLP)

Reasonable grounds for concern:

The responsibility of staff and volunteers to report to Tusla using the Report Form (available on the Tusla website: www.tusla.ie) where reasonable grounds for concern exist –

<https://www.tusla.ie/children-first/individuals-working-with-children-and-young-people/how-do-i-report-a-concern-about-a-child/>

Informal consultation:

The process for seeking advice and guidance from the Tusla social work office in the child/young person's area when the Designated Liaison Person (DLP) or coach/volunteer is unsure whether a report should be made.

How to report a concern:

Procedures for non-mandated and mandated persons and contact details for the designated liaison person should be displayed within your organisation/club. It is the DLP's responsibility to complete the Child Protection and Welfare Report Form and to forward it without delay to the Tusla Duty Social Worker by registered post under confidential cover. Reports can also be made on Tusla's secure web portal.

Allegations of abuse by a child: where the person allegedly causing harm to a child is another child (peer abuse), reports should be made to Tusla for both children.

Guidance on dealing with adult disclosures of child abuse: Retrospective Abuse Report form is required when reporting any concerns about retrospective abuse –

<https://www.tusla.ie/children-first/publications-and-forms/>

Immediate risk to a child: The steps to be taken where an immediate risk to a child is believed to exist.

Recording: Guidance on how the details of the concern and the actions taken are to be recorded.

Talking to parents/carers:

The process for discussing a concern with parents/carers before reporting and the circumstances in which this is not advised, as it may further endanger the child or the person making the report. You do not need to inform the family that a report is being made, if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out an assessment. Also, it is not necessary to

inform the family if the person making the report reasonably believes it may place them at risk of harm from the family.

Cases not reported to Tusla:

The process for recording both the reasons for the decision and any actions taken.

Information for mandated persons:

If your organisation employs mandated persons, your reporting procedure should state clearly that mandated persons must report concerns of harm above a particular threshold under the Children First Act 2015. Refer them to chapter 3 of Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI). It should also specify (a) whether persons are expected to make their mandated report jointly with the designated liaison person and (b) whether mandated persons must provide a copy of their mandated report to their employer.

Responsibilities of a Mandated Person

Your organisation/ club need to establish whether you have any Mandated persons as prescribed under the Children First Act 2015 (ROI) schedule 2. These Mandated persons should be made aware of their responsibilities to report child protection and welfare concerns that reach or exceed the threshold for ‘harm’ as defined in the Act.

A Mandated Person has a statutory obligation to report mandated concerns to Tusla, they cannot discharge this duty to the DLP. However they may make a report jointly with another person, whether the other person is a mandated person or not. In effect, this means that a mandated person can make a joint report with a designated liaison person.

All records and copies of child protection and welfare concerns should be held securely by the DLP.

Reporting to Statutory Authorities:

You should always inform Tusla if you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. You can find details of who to contact to discuss your concern on the Tusla website.

If your concern does not reach the threshold for mandated reporting, but you feel it is a reasonable concern about the welfare or protection of a child, you should report it to Tusla under Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI).

Procedure for the management of allegation of abuse against a coach or volunteer

Each organisation/club should have agreed procedures to be followed in cases of alleged child abuse against a coach/ volunteer. If such an allegation is made, three steps should be taken:

- Responding to allegations of abuse made against a coaches/volunteers.
- Reporting allegations of abuse made against coaches/ volunteers to Tusla.
- Internal procedures for dealing with the coach/volunteer should to be clearly outlined.

Responding to allegations of abuse made against coaches/volunteer

An allegation of abuse may relate to a person who works with children who has:

- Behaved in a way that has or may have harmed a child/ young person;
- Possibly committed a criminal offence in relation to a child/young person;
- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person;
- Behaved in a way that is contrary to the club/sports organisation code of behaviour for coaches & volunteers;
- Behaved in a way that is contrary to professional practice guidelines

If an allegation is made against a coach/volunteer in your organisation/club you must ensure that everyone involved is dealt with appropriately and in accordance with the organisation/club guiding principles and child safeguarding procedures, the rules of natural justice and any relevant employment law. The organisation/club has a dual responsibility in respect of both the child/young person and the coach/volunteer.

There are two separate procedures to be followed:

- The reporting procedure to Tusla in respect of the child/ young person and the alleged abuser
- The internal personnel procedure for dealing with a coach/ volunteer

Each club/sports organisation should have agreed procedures to be followed in cases of alleged child abuse against Sports Leaders. If such an allegation is made, two steps should be taken:

- The reporting procedure
- The procedure for dealing with the Sports Leader

Special Considerations

The following points should be considered:

- The safety of the child making the allegation and any others who are/may be at risk should be ensured and this should take precedence over any other consideration. In this regard, the sports club/organisation should take any necessary steps which may be immediately necessary to protect children
- If a Sports Leader is the subject of the concern s/he should be treated with respect and fairness.

Steps to be taken within the Sports Organisation

- Where reasonable grounds for concern exist the following steps should be taken by the club/organisation:
 - Advice should be sought from the local duty social worker with regard to any action by the club deemed necessary to protect the child/children who may be at risk.

- The matter should be reported to the local statutory authorities following the standard reporting procedure outlined above
- In the event that the concern is connected to the actions of a Sports Leader in the club, the Sports Leader involved in the concern should be asked to stand aside pending the outcome of any investigation by the Statutory Authorities.
- It is advisable that this task be undertaken by a senior office holder other than the designated liaison person/club children's officer who takes the responsibility for reporting.
- When the Sports Leader is being privately informed by the senior officer of a) the fact that an allegation has been made against him/her and b) the nature of the allegation, s/he should be afforded an opportunity to respond. His/her response should be noted and passed on to the statutory authorities.
- All persons involved in a child protection process (the child, his/her parents/carers, the alleged offender, his/her family, Sports Leaders) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.
- Once the criminal process is completed, employers should consider the need to examine whether there are grounds for disciplinary proceedings for misconduct. The fact that the alleged abuser has not been prosecuted or has been found not guilty does not mean that such proceedings are not necessary or feasible.

Internal procedures for dealing with a coach/volunteer should to be clearly outlined

In the context of an allegation of abuse against a coach/ volunteer, the organisation/club disciplinary procedures should ensure that fair procedure is followed and take account of the employment contract/membership guidelines as well as the rules of natural justice. The following points should be incorporated into the procedure:

- In making an immediate decision about the coach/ volunteer's presence in the organisation/club, the Chairperson should as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person; 'protective measures' do not presume guilt.
- Chairperson should privately inform the coach/ volunteer that an allegation has been made against him or her and the nature of the allegation.
- The coach/volunteer should be afforded an opportunity to respond.
- The Chairperson should note the response from the coach/ volunteer and pass on this information if making a formal report to Tusla.
- The coach/volunteer should be offered the option to have representation at this stage and should be informed that any response may be shared with Tusla.
- While Tusla will not provide advice on employment matters, advice and consultation with regard to risk to children/ young people can be sought from the local Tusla social work office.

The Chairperson should ensure that actions taken by the organisation/club do not undermine any investigations or assessments undertaken by Tusla or An Garda Síochána. The organisation/club should liaise closely with the investigating bodies to ensure this.

Once the statutory process is completed, the organisation/ club should consider the need to examine whether there are grounds for disciplinary proceedings for misconduct. The fact that the alleged abuser has not been prosecuted or has been found not guilty does not mean that such proceedings are not necessary or feasible.

Categories of Abuse:

Children First: National Guidance for the Protection and Welfare of Children 2017 (ROI) defines four categories of abuse: neglect, emotional abuse, physical abuse and sexual abuse. A child/young person may be subjected to one or more forms of abuse at any given time.

When working with children/young people it is important to be aware of the four categories of abuse these are as follows:

Neglect:

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety.

Emotional Abuse:

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver.

Physical Abuse:

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

- Physical abuse can include the following:

- Physical punishment.
- Beating Slapping, hitting or kicking.
- Pushing Shaking or throwing.
- Pinching Biting, choking or hair-pulling.
- Use of excessive force in handling.
- Deliberate poisoning.
- Suffocation.
- Fabricated/induced illness.
- Female genital mutilation.

Sexual Abuse:

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

NB: If you require further information on any of the categories of abuse listed above please consult Children First Guidance directly via the following link:

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

Signs of Abuse:

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help your organisation/club identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent/Carer Factors:

- Drug and alcohol misuse.
- Addiction, including gambling.
- Mental health issues.
- Parental disability issues, including learning or intellectual disability.
- Conflictual relationships.
- Domestic violence.
- Adolescent parents.

Child Factors:

- Age.
- Gender.
- Sexuality.
- Disability.
- Mental health issues, including self-harm and suicide.
- Communication difficulties.
- Trafficked/Exploited.
- Previous abuse.
- Young carer.

Community Factors:

Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction.

Culture-specific practices, including:

- Female genital mutilation.
- Forced marriage.
- Honour-based violence.
- Radicalisation.

Environmental factors:

- Housing issues.
- Children who are out of home and not living with their parents, whether temporarily or permanently.
- Poverty/Begging.

- Bullying.
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments.
- Lack of insight or understanding of how the child is being affected.
- Lack of understanding about what needs to happen to bring about change.
- Avoidance of contact and reluctance to work with services.
- Inability or unwillingness to comply with agreed plans.

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla

Statutory Contacts Republic of Ireland & Northern Ireland

TUSLA-Child & Family Agency

If in the Republic of Ireland and you have any concerns about a child you should report it to the Child & Family Agency please see website for contact details

<http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker/>

Any query or concern in relation to children out of hours should be reported immediately to An Garda Siochana

Northern Ireland Health and Social Care Trusts

Each trust will have a Gateway team to deal with reports of abuse and also more local contacts for ongoing professional liaison for advice on concerns.

Regional Emergency Social Work service - Available – 9.00 – 5pm - Monday to Friday.

There is a 24 hour cover over public holidays. Tel: 028 9504 9999

9.00 - 5.00 Gateway Numbers

Northern HSC Trust Tel: 03001234333

South Eastern HSC Tel: 03001000300
Trust

Southern HSC Trust Tel: 08007837745

Belfast HSC Trust Tel: 028 90 507000

Western HSC Trust Tel: 028 71314090