

Gaisce will endeavour to keep this document alive through a review process every two years and through an annual Safeguarding update for all Gaisce staff, volunteers and 'significant others'. The DLP will endeavour to make Safeguarding an agenda item for at least one Gaisce team meeting a year.

## SAFEGUARDING POLICY

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### 1. Introduction

Gaisce – The President's Award recognises the rights of all children and young people and its duty of care to safeguard all children and young people who come into contact with the organisation. As per Children First: National Guidance, a 'child' means a person under the age of 18 years of age, excluding a person who is or has been married. In Ireland, a 'young person' generally refers to individuals aged from 15-25 years of age. The Gaisce programme is for young people from 15-25 years of age and as such, Gaisce, the organisation, may come into contact with children or young people or with a child who is in transition from childhood to young adulthood during the course of their involvement with Gaisce.

## 2. Purpose of this document

Gaisce – The President’s Award has developed this document specifically for Gaisce staff, Council members, volunteers, and ‘significant others’.

A volunteer refers to an individual who gives their time, effort and energy to Gaisce, the organisation, without payment. In addition to Council Members, who undertake their role in a voluntary capacity, Gaisce engages volunteers in a variety of roles from events, to administration to programme support and delivery.

A ‘significant other’ refers to individuals or organisations that through their partnership/ sponsorship agreement, or as part of the work they undertake with Gaisce as a contractor may, for a variety of reasons come into contact with children or young people involved in the Gaisce Programme. The responsibilities and requirements of each ‘significant other’ in relation to this document will be examined on a case-by-case basis, bearing in mind the nature of their work with Gaisce and any children or young people involved in the Programme.

Throughout this document all of these are referred to as relevant parties.

This document has been developed to:

1. Outline Gaisce’s commitment to keeping children and young people safe with respect to the recruitment and training of Gaisce staff and volunteers and its relationship with other parties; data protection; and appropriate codes of behaviour for individuals in their role with Gaisce – The President’s Award;
2. Outline when relevant parties involved in Gaisce – The President’s Award may come into direct contact with children and/or young people,
3. Provide relevant information on the categories of abuse, recognising abuse, dealing with a disclosure and reporting abuse;
4. Ensure that all relevant parties are aware of their responsibilities with respect to Gaisce’s Safeguarding Policy and are confident in dealing with any issues that may arise;
5. Provide relevant information on Gaisce’s procedure for dealing with an allegation of abuse against a Gaisce staff member, Council member, volunteer, or ‘significant other’.

Note: This document is not for President’s Award Leaders (PALs) or Gaisce Award Partners (GAPs) who deliver the Gaisce programme. A PAL is a trained adult, over 18 years of age, who supports and mentors young people (other than a family member) as they undertake their Gaisce Award, through a Gaisce Award Partner,

the PAL typically works or volunteers with. A GAP is an organisation which offers and delivers (or could offer and deliver) the Gaisce programme to young people aged 15-25. GAPs can be public, private or non-profit organisations. Gaisce has created a specific document for both PALs and GAPs called *Safeguarding: A good practice guide for PALs and Gaisce Award Partners*. PALs and GAPs should refer to this named document for information and guidance. This policy document has been created with reference to:

- Safeguarding: A good practice guide for PALs and Gaisce Award Partners. Check out [www.gaisce.ie](http://www.gaisce.ie) for more information;
- Children First National Guidance\_  
[http://www.tusla.ie/uploads/content/Children\\_First\\_National\\_Guidance\\_2017.pdf](http://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf) ;
- Child Protection and Welfare Practice Handbook  
[http://www.tusla.ie/uploads/content/CF\\_WelfarePracticehandbook.pdf](http://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf) ;
- The Interim Guide for the Development of Child Protection, Welfare Policy, Procedures and Practices\_  
[http://www.tusla.ie/uploads/content/Tusla\\_Interim\\_Guide\\_for\\_the\\_Development\\_of\\_Child\\_Protection\\_and\\_Welfare\\_Policy\\_16-04-15nt\\_\(2\).pdf](http://www.tusla.ie/uploads/content/Tusla_Interim_Guide_for_the_Development_of_Child_Protection_and_Welfare_Policy_16-04-15nt_(2).pdf) ;
- Our Duty to Care: The principles of good practice for the protection of children and young people\_  
[http://www.dcy.gov.ie/documents/publications/ODTC\\_Full\\_Eng.pdf](http://www.dcy.gov.ie/documents/publications/ODTC_Full_Eng.pdf) .

### 3. Procedures and responsibility

Gaisce staff, Council Members and some volunteers (this will be determined by Gaisce, and will depend on their role) are required to have a good understanding of this document. In addition they may also find it useful to read Gaisce's 'Keeping Children and Young People Safe: A Good Practice for PALs and Gaisce Award Partners' document.

Keeping children and young people safe is everyone's responsibility and should be taken seriously. Gaisce – The President's Award has a Designated Liaison Person (DLP) who acts as the focal point for all issues relating to child protection and the safety and wellbeing of young people involved in the Gaisce programme. The DLP monitors, evaluates and ensures the implementation of best practice standards across the Gaisce programme. The DLP is also the liaison person for all matters relating to Garda Vetting and directly communicates with the Garda Vetting Bureau as part of their role. The DLP is available to deal with all queries, concerns or reports regarding child protection and the welfare of young people involved in the Gaisce

programme or that Gaisce comes into contact with. Gaisce also has a Deputy DLP (DDLPL) to assist in KCYPS work as required;

In the absence of the DLP, the Deputy DLP (DDLPL) or CEO are available to deal with queries, concerns or reports;

- Gaisce – The President's Award has at least one named administration clerk who is responsible for processing and administering all Garda Vetting documentation;
- A subcommittee of the Gaisce Council has been formed to ensure that Gaisce – The President's Award adheres to its own Safeguarding policy documents, to review Gaisce's KCYPS guidelines annually against new developments/legislation, to refer policy recommendations to the Council and to be available to the Executive to discuss child protection issues;
- Gaisce – The President's Award adheres to Irish child protection standards as set out in Children First National Guidance and other policies referenced in section 2.

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

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

Mandated persons are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

The reporting requirements under the Children First Act 2015 apply only to information that a mandated person, received or became aware of since the Act came into force. However, if a mandated person has reasonable concern about past abuse, where the information came to their attention before the Act and there is possible continuing risk to children, they should report it to Tusla under the Children First Guidance 2017.

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#### 4. Recruitment and selection of staff and volunteers

Before Gaisce – The President's Award recruits a new staff member or, volunteer, a risk assessment is conducted, using a risk assessment template, which identifies levels of access to young people and any potential child protection risks associated with the role. This risk assessment will identify if necessary actions need to be taken, and if further child protection screening is a requirement of the role. Further risk assessment or additional templates may be developed as required. Standard risk assessments have been developed for existing core roles within the organisation.

All potential staff and volunteer candidates are interviewed carefully with child protection in mind. Gaisce – The President's Award interview panel aim to include one child protection screening question in each interview which takes place.

From 2017 onwards, all Gaisce staff recruited for contracts of 6 months or longer, will be expected to complete the Garda Vetting process. Other staff and some volunteer roles may be required to complete the Garda Vetting process. This will be determined by a risk assessment of the role. Selected candidates are expected to sign any relevant Gaisce KCYPS policy documents outlining appropriate codes of behaviour.

Existing staff will be required to complete the Garda Vetting process prior to the end of 2017, in compliance with the National Vetting Bureau Act.

#### 5. Training of staff and volunteers

- All Gaisce staff recruited for contracts of 6 months or longer must attend approved child protection training within their first 3 months of starting with the organisation and are required to attend refresher training once every two years;
- Depending on their role and at the discretion of their line manager Gaisce volunteers are required to attend an internal KCYPS briefing session by the Gaisce DLP or DDLP and may also be required to attend approved child protection training;
- Awareness and update training will be arranged and provided as necessary, and at least annually by the Gaisce DLP;
- Gaisce staff are required to be re-vetted every five years;
- Relevant parties have a responsibility to consider and help minimise child protection risks within their own areas of responsibility. Any known risks or concerns, within areas of work, must be discussed with the DLP and CEO. These will inform future revisions of this document.

## 6. Data protection, information and images

Due to the nature of the Gaisce programme, Gaisce – The President's Award holds personal information, and occasionally images, of children and young people. Gaisce takes seriously its duty of care to ensure that this information is used solely for the intended purpose and not abused. All information and images are held securely, databases are password protected and access is given on the basis of role.

Due to the unregulated nature of the internet and social media, Gaisce's DLP and DDLP endeavour to keep up to date on relevant policies, guidelines and training so that the organisation remains informed in this area and can help mitigate any risks associated with this area of Gaisce's work. Relevant updates, trends and risks in this area will inform future versions of this document, Gaisce's review process and annual KCYPS discussion with all staff.

Relevant parties including partners and sponsors, suppliers and contractors will, where necessary be made aware of Gaisce's KCYPS commitments and must ensure that they adhere to the relevant guidelines, where appropriate, bearing in mind the nature of the work involved See section 8 for more information on this.

## 7. Staff, volunteers and significant others working or volunteering alongside children and young people

Staff and volunteers will, and significant others may, through their involvement with Gaisce – The President's Award come into direct contact with children or young people. Examples include: at Gaisce ceremonies, events and projects. Note that this is not an exhaustive list and is subject to change.

In anticipation of this, the following measures are in place:

- A thorough risk assessment will be conducted before any staff member, volunteer or 'significant other' is recruited who may have sustained or regular access to children or young people through their role;
- Prospective staff members who are likely to be involved in any direct work with young people are subject to enhanced screening. This enhanced screening is decided by the interview panel and may include a requirement for additional references or additional questions at interview;
- In cases where a current staff Member, volunteer or 'significant other' already involved in Gaisce assumes a role which would bring them into direct contact with children or young people this screening process will be applied retrospectively

- As a condition of their employment selected staff are required to become familiar with national Children's First guidelines and Gaisce's KCYPS policy documents;
- Staff and some volunteers must adhere to relevant codes of behaviour and codes of conduct in place to protect all children and young people;
- Staff, and where relevant volunteers must attend approved child protection training and an internal Gaisce child protection briefing session within the three months of starting in their role;
- Any activity which directly involves children or young people will follow good practice guidelines around child protection and any Gaisce staff, volunteers or 'significant others' involved in these activities will be familiar with Gaisce's KCYPS policies and procedures;
- Any activities requiring the involvement of participants under the age of 18, require the written permission of parents/guardians prior to involving a child or young person. A sample consent form can be found in the appendices.

For more information on appropriate codes of behaviour when in direct contact with a child or young person, please see section 8.

8. Codes of Behaviour when carrying out duties associated with Gaisce – The President's Award

When carrying out their duties and activities associated with Gaisce – The President's Award, Gaisce staff members, Council members, volunteers, or 'significant others' must consider all potential child protection and reputational risks for the organisation. All individuals associated with Gaisce are required to:

1. Contribute to an environment where children and young people are respected and encouraged to discuss their concerns and rights;
2. Understand that the protection of all children and young people is everyone's responsibility and should be taken seriously;
3. Maintain professional boundaries at all times and be sensitive to appropriate boundaries, language, behaviour and touch with each young person they interact with via the Gaisce programme, i.e. avoid jokes of a sexual nature and or becoming too involved with a young person;
4. Never abuse and/or exploit a child/young person or act/behave in a way that places a child/young person at risk of harm;
5. Never abuse their position of power or their role to exploit or abuse a child/young person involved in the Gaisce programme;
6. Never conduct a sexual relationship with a child or young that they come into contact with;
7. Report any instances of abuse and protection concerns they have in accordance with reporting procedures;

8. Respond to a child/young person who may have been abused or exploited according with disclosure and reporting procedures;
9. Cooperate fully and confidentially in any investigations of concerns and allegations;
10. Be aware that Gaisce – The President's Award will take appropriate legal, or other necessary actions, against Gaisce associates who make false and malicious accusations of child abuse;
11. Always ask for consent (formal or informal) when taking, and using, images of children or young people and have a clear purpose for said image/s; Always treat a child / young person's data sensitively and never disclose personal data to any third party;
12. When undertaking or assisting with any Gaisce related activity which may involve children or young people, always adhere to appropriate ratios of adults to young people and age appropriate accommodation guidelines;
13. In so far as is possible never do anything for a child or vulnerable adult which they can do for themselves unless asked to;
14. Never share their personal contact details (including, but not limited to, phone numbers, email address, social media account information) with, nor ask for or accept such details, from any child or young person associated with Gaisce's work;
15. Never make any unsupervised direct/indirect contact (such contact may include but is not limited to communication via phone, social media, emails, or letters) that is intended to establish personal relationships with any child or young person associated with Gaisce;
16. Be sensitive to the potential risk to personal safety that may arise should they happen to be alone with a child or young person. Where feasible, leave the door open or inform another colleague that they will be alone in the room with the person in question;
17. Only use images or personal information of a child or young person for specific purposes, in marketing, fundraising and communication work after seeking consent and in ways that will safeguard children and young people and protect their rights. It is important to Gaisce that all children and young people are represented in a positive light and their data respected at all times. Permission must always be obtained for images and information;
18. Prior to involving under 18 year olds in a Gaisce volunteering role or engagement opportunity, seek the permission of parents/guardians for participants under the age of 18, prior to using their image for publicity purposes;
19. If taking photos ensure that attire of Gaisce participants in any photographs

- is deemed appropriate;
20. If photos have been given to, and permission granted for Gaisce to use same, ensure that attire of Gaisce participants is deemed appropriate;
  21. Report any inappropriate use of images of Gaisce participants to Gaisce's DLP;
  22. At any public event, including award ceremonies, publicly announce the use of photography and audio-visual equipment so that anyone wishing to avoid being photographed or videoed can remove themselves;
  23. Be familiar with Gaisce's 'Keeping Children and Young People Safe: A Good Practice Guide for PALs and Gaisce Award Partners' document as this outlines further good practice around code of behaviour, procedures for overnights and guidelines for use of technology and media which will be relevant to their role and or activities undertaken on behalf of Gaisce;
  24. In the unlikely event of providing transport for a Gaisce participant in the course of duties and activities associated with Gaisce, ensure as far as is possible that two or more participants are present. Such transport should only be provided in the full knowledge and consent of parents/guardians, where appropriate.

## 9. Categories and definitions of abuse

### Types 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. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser. The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer. The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised. It is important that any PAL, individual or organisation delivering the Gaisce Award programme understand the types of child abuse so that it can help them in recognising the signs and symptoms of abuse.

### 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 neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene

- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

### 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. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

### 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

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

### 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.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
  - » Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
  - » Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - » Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the

relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation. In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found \*\*\*.

### Other Forms of Abuse

#### - Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards must have a code of behaviour and an antibullying policy in place. If you are a staff member of a school, you should also be aware of your school's anti-bullying policy and of the relevant guidelines on how it is handled.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

#### - Peer Abuse

In some cases of child abuse, the alleged perpetrator will be another child. In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim and the alleged abuser i.e. it should be considered a childcare and protection issue for both children.

Peer Abuse can be defined as the physical, mental, emotional or sexual

mistreatment of a person by somebody else of the same peer and/or age group. Quite often, whether in a team or individual context, a key concern would be where a child/young person is mistreating another child/young person of a similar age.

Abusive behaviour perpetrated by children must be taken seriously and acted upon. Early referral and intervention is essential in all such instances as future abuse can be prevented if intervention takes place early. If there is a conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

Research shows that teenagers perpetrate a considerable proportion of child abuse. Four categories of behaviour warrant attention, three of which will usually require action: normal sexual exploration; abuse reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescence and young people. Further information can be found in the Appendices.

#### - e-Bullying / Cyber Bullying

Action that results in the deliberate tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting of a child or young person by another person using the Internet, interactive and digital technologies or mobile phones would constitute E-Bullying or Cyber Bullying.

#### - Circumstances which may make children more vulnerable to harm

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 you 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 or 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.

## 10. Recognising Abuse

Child abuse can be difficult to identify and may present in many forms. All signs and symptoms should be examined in the context of an individual child's situation and family circumstances, and reported appropriately. 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. The following three stages are involved in the identification of child abuse:

1. Considering the possibility
2. Looking out for signs of neglect or abuse, i.e. identifying and recognising
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 be considered if the child displays unusual or fearful responses to parents/carers or other 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

Signs of abuse can be physical, behavioural or developmental. They can exist in the relationship between children and parents/carers or between children and other family members/other persons. A cluster of pattern of signs is more likely to be indicative of 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 the appropriate DLP or Tusla (the Child and Family Agency). A child should not be interviewed in detail about alleged abuse without Tusla being contacted and interviews may be more appropriately undertaken by a social worker or member of an Garda Síochána. More information on dealing with disclosures can be found in the following section.

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

- i. Disclosure of abuse by a child or young person;
- ii. Age-inappropriate or abnormal sexual play or knowledge;
- iii. Specific injuries or patterns of injuries;
- iv. Absconding from home or a care situation;
- v. Attempted suicide;

- vi. Self-harm;
- vii. Underage pregnancy or sexually transmitted disease;
- viii. Insecure attachment, unhappiness, low self-esteem;
- ix. Educational and developmental underachievement;
- x. Oppositional or confrontational behaviour;
- xi. Regularly missing school;
- xii. Neglect generally becomes apparent in different ways over a period of time, rather than at one specific point;
- xiii. A child whose height or weight is significantly below average may be being deprived of adequate nutrition;
- xiv. 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 need to be considered in the context of an individual child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### Stage3. Recording of information

If neglect or abuse is suspected and acted upon, 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 regarding how such information is stored and to whom it is made available. See appendices for a template recording form.

### Reasonable grounds for concern that a child or young person is being abused

During activities undertaken as part of their involvement with Gaisce – The President's Award an individual may become suspicious that a Gaisce participant, Gaisce Awardee or another young person whom they encounter, is the victim of abuse.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is 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 the child being abused

## 11. Dealing with a disclosure\_

### How to respond to a disclosure of abuse

A disclosure refers to 'making something known' or 'revealing' something, such as information. In the context of this document, a disclosure refers to a child or young person informing a relevant Gaisce party that they have been, or are being, abused. It is of the utmost importance that disclosures are treated in a sensitive manner. Anyone responding to a child or young person making such a disclosure should take the following steps:

- Take what the child or young person says seriously;
- React calmly as over-reaction may intimidate the child or young person and increase any feelings of guilt that they may have;
- Reassure the child or young person that they were correct to tell somebody what happened;
- Listen carefully and attentively;
- Never ask leading questions;
- Use open-ended questions to clarify what is being said and try to avoid having the child or young person have to repeat what they have told you;
- Do not promise to keep secrets;
- Advise the child or young person that you are there to support them but that you must pass the information on to the appropriate person\* Note that this may be the Gaisce DLP, the Gaisce DDLP, the CEO or an Garda Síochána;
- Do not express any opinions about the alleged abuser to the person reporting to you;
- Explain and make sure that the child or young person understands what will happen next;
- Do not confront the alleged abuser.

## 12. Reporting abuse\_

### Responsibility to report child abuse or neglect

Regardless of their relationship with or engagement with Gaisce everyone, including Gaisce individuals, has a legal responsibility to report child abuse or neglect. Ignoring the signals or failing to intervene may result in ongoing or further harm to a children. 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

- 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.

The Criminal Justice (Withholding of Information on Offences against the Child and Vulnerable Persons) Act was passed in 2012. This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult. A person shall be guilty of an offence if:

- a) He/she knows of a specified offence having been committed by another person against a child or vulnerable adult and;
- b) He/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person and fails, without reasonable excuse, to disclose that information to an Garda Síochána.

### Reporting Procedures

Following a disclosure of abuse, the relevant party should follow Gaisce – The President's Award procedures below:

1. Immediately after the communication, the individual should write down what was said by the child/young person alleging abuse including: all the names of those involved; what happened, where and when; if there were any witnesses; and any other significant factors, including any visible marks on the individual making the report or any other signs observed. If the incident or disclosure occurred in the context of the Gaisce programme, this should be clearly indicated and explained in the note. The ability of statutory authorities to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them. For this reason, as much detail as possible should be provided;
2. Having made a record of the event, the note or report should be signed and dated. The individual should ensure that the information they collect is treated with the utmost confidence. Only those who are required to know about the incident of abuse and subsequent report should be informed;
3. The individual should not themselves investigate allegations of abuse. Instead, they should pass their note or report to the Gaisce DLP to be dealt with. If, for whatever reason, the individual is unable to make the report to the Gaisce DLP they can contact Gaisce's DDLP or CEO;
4. Under no circumstances should a child or young person be left in a

situation that exposes them to harm or to the risk of harm. In the event of an emergency, where an individual thinks a child or young person is in immediate danger, they should contact the Gardaí. This can be done through any Garda station;

5. Any Gaisce individual should always follow Gaisce – The President's Award KCYPS guidelines as outlined in this document.

### Notifying Parents and Guardians

Where any report is being made to Tusla/ the Gardaí, either Tusla or the Gardaí will notify the parent/guardian in respect of persons under the age of 18, unless they have advised the DLP to do so and unless notifying the parent/guardian will put the child or young person at further risk.

### Notifying the Gaisce Award Partner (GAP)

A Gaisce Award Partner is an organisation which offers and delivers (or could offer and deliver) the Gaisce programme to young people aged 15-25. GAPs can be public, private or non-profit organisations.

The Gaisce DLP and/or Gaisce CEO may inform the DLP in the Gaisce Award Partner in which the individual is involved only if a GAP is involved in the disclosure, subject to consultation with the relevant statutory authority, and provided it does not put the child or young person in further harm;

### Cases Not Reported to Tusla

If an individual raises an issue of concern with the Gaisce DLP and the DLP does not report the incident to Tusla or An Garda Síochána, the individual is entitled to a clear and written statement outlining the reasons why such action has not been taken.

### Retrospective Disclosures by Adults

Adults also disclose abuse that has taken place during their childhood. PALs may encounter individuals they previously supported through their Gaisce journey, who disclose to them abuse that occurred whilst they were pursuing their Gaisce award. If there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures this should be reported to Tusla. The PAL should encourage the adult to report this and should themselves report this to the DLP in the organisations in which they work(ed) or volunteer(ed).

### Legal Protection

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for

the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla or to any member of an Garda Síochána.

### Confidentiality

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. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. Individuals should not give any undertakings regarding secrecy.

### Freedom of Information

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 the relevant Gaisce party (except independent practitioners) and are the property of the organisations that hold 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.

### Where 'Reasonable Grounds for Concern' are not established

There may be occasions where certain instances of alleged abuse may be suspected, or there may be doubts as to the substantive nature of an allegation or suspicion. Where there may be insufficient grounds for establishing or substantiating such concerns, individuals should speak with the Gaisce DLP directly.

13. Procedure Gaisce takes for dealing with an allegation of abuse against an individual involved in/with Gaisce, the organisation

If Gaisce – The President's Award receives an allegation of abuse, whether that allegation concerns a staff member, Council member, volunteer, or 'significant other', action will be taken by the organisation. Gaisce, the organisation, ensures that individuals are aware of internal line management reporting procedures, and general grievance procedures, for dealing with allegations of abuse. Gaisce – The President's Award is mindful of employment legislation and other employment policies when dealing with allegations of abuse involving employees.

Gaisce – The President's Award procedural responsibilities as an employer:

- The same person will not be responsible for dealing with the issues surrounding the reporting of an allegation and the employment/contract issues;
- The DLP will normally have responsibility for the person alleging abuse;
- The CEO will normally have responsibility for the individual against whom the abuse is alleged;
- As staff, Council members, volunteers and 'significant others' may be the subject of erroneous or malicious allegations, any allegation of abuse will be dealt with sensitively and relevant support provided, with the resource capabilities of Gaisce and following legal and statutory advice.

The following principles will apply when an allegation has been made against a Gaisce staff member, Council member, volunteer, or 'significant other':

- Should an allegation of abuse be made against a Gaisce staff member, Council member, volunteer, or 'significant other', the safety and welfare of the child is of paramount concern. Any steps deemed necessary to protect the child will be implemented as a matter of urgency while also being careful that the person against whom the allegation has been made is not unreasonably penalised;
- The principle aim will be to protect the child, while taking care to treat Gaisce individuals (named above) fairly;
- Action taken in reporting an allegation of abuse against an individual associate with Gaisce will be based on an opinion formed reasonably and in good faith. When an allegation is received it will be assessed promptly and carefully;
- The decision to make a formal report to the statutory authorities will be based on reasonable grounds for concern.

The following steps will be taken when an allegation has been made against a Gaisce – The President's Award staff member, council member, volunteer, or 'significant other':

- Any actions taken will be guided by Gaisce policies, by employee contractual arrangements, relevant signed agreements and the by the rules of natural justice;
- If they are not the direct recipient of the information, the CEO will be informed of the allegation of abuse as soon as possible and shall take responsibility for processing the matter on behalf of Gaisce;
- The first priority will be to ensure that no child is exposed to unnecessary risk and Gaisce will, as a matter of urgency, take any necessary protective measures. These measures will be proportionate to the level of risk and, in the case of employees or contractors, should not unreasonably penalise the employee or contractor financially or otherwise, unless this action is deemed necessary to protect children or young people. Where protective measures do penalise the individual, early consideration will be given to the matter;
- The CEO will advise the individual of the allegation. This will be done in private and with due consideration of confidentiality and natural justice and following advice from statutory authorities. The procedures for dealing with the allegation will be outlined to the individual;
- The individual will be afforded the right to respond in accordance with established grievance procedures. The response will be noted and passed to the statutory authorities as part of any subsequent formal reporting procedure;
- The CEO will also notify the statutory authorities of any other organisation working with children with which the person against whom the allegation is being made may be involved;
- If the CEO is the subject of the allegation, the Chair of Gaisce – The President's Award will take responsibility for processing the matter on behalf of the organisation;
- If the Chair of the Gaisce Council is the subject of the allegation then a member of the Council will take responsibility for processing the matter on behalf of the organisation;
- Following consultations with the relevant statutory authority, the parents/guardians of the young person will be informed immediately of the complaint against the employee/Gaisce individual unless doing so would endanger the young person. Advice will be sought from the statutory authorities as to how best this might be done;
- The Gaisce DLP and/or Gaisce CEO may inform the DLP in the Gaisce Award Partner in which the individual is involved only if a GAP is

involved in the disclosure, subject to consultation with the relevant statutory authority, and provided it does not put the child or young person in further harm;

- Any follow up on an allegation of abuse against an individual will be made in consultation with the relevant statutory authorities. An immediate meeting may be arranged for the purpose;
- After the consultations referred to above have taken place and when pursuing the question of the future position of the employee, the CEO will advise the individual of the situation and will follow the agreed procedures;
- Gaisce will ensure that any actions taken by the organisation will not undermine or frustrate any investigation being conducted by the statutory authorities;
- Gaisce will keep comprehensive records of any allegations made, details of how the allegations were managed and details of any action taken and decisions reached. These records will be stored confidentially and a copy given to the individual concerned. The information will be retained on file, including information on those who may leave the employment of Gaisce for further possible reference.

Signed by Gaisce individual (staff member, Council member, volunteer, or 'significant other')

Full name: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Gaisce welcomes feedback on this document. All feedback should be directed, in writing, to the Gaisce DLP, Gaisce DDLP or CEO.

#### 14. Appendices\_

##### Useful Contacts

##### HSE National Counselling Service

The HSE National Counselling Service 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 (see [www.hse-ncs.ie/en](http://www.hse-ncs.ie/en)). The service can be accessed either through healthcare professionals or by way of self-referral (Freephone: 1800 477477).

## TUSLA – Child and Family Agency

The Child and Family Agency is the dedicated State agency responsible for improving wellbeing and outcomes for children. The Child and Family agency offer the following services: child protection and welfare, educational welfare, psychological, alternative care, family and locally-based community supports, early years, domestic, sexual and gender based violence. TUSLA can be contacted directly on 01 771 8500. Social workers can be located and contacted via <http://www.tusla.ie/get-in-touch/duty-social-work-teams>

*Gaisce's Safeguarding: A good practice guide for PALs and Gaisce Award Partners* (Insert hyperlink)

### Risk assessment template

This can be found at: X:\KCYPS

### Standard reporting form

This can be found below and at: X:\KCYPS

Standard Report Form - CONFIDENTIAL  
(For reporting allegation / concern to the Gaisce DLP)  
Please provide as much information as possible

---

DLP (Name):

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

Details of child / young person

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Male		Female		Gender identity	
Age	Birth		Date of		

Details of person completing this Report

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Occupation: \_\_\_\_\_

Organisation: \_\_\_\_\_

Relationship to child/young person

Parent(s) / Guardian(s)  
Informed Y/N:      | |

Child / Young Person's Family

Mother's  
Name: \_\_\_\_\_

Address: \_\_\_\_\_  
If different  
from child /  
young  
person's  
name

Telephone No: \_\_\_\_\_

Father's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
If different  
from child /

young  
person's.

Telephone No: \_\_\_\_\_

Who else is at home?

Name	Relationship	Age	Additional Information

Name & Address of other personnel or agencies involved with child/young person

	Name	Address
Social Worker		
PHN		
GP		
Hospital		
School		
Gardaí		
Other		

Details of person(s) allegedly causing concern in relation to child / young person

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Age: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Occupation: \_\_\_\_\_

Organisation: \_\_\_\_\_

Relationship to child/young  
person

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#### Details of Report

As much detail as is known of concern(s), allegation(s) or incident(s), date(s), time(s), description of any injuries or marks to child / young person, parent's view(s), child / young person's view(s)

Signed:

Date:

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Consent form

This can be found online at [www.gaisce.ie](http://www.gaisce.ie) or at: X:\KCYPs