



**THE HISTORICAL HARP  
SOCIETY OF IRELAND**  
Cumann Cláirsí Stairiúla na hÉireann

**CHILD PROTECTION  
POLICY AND PROCEDURES**

**[www.irishharp.org](http://www.irishharp.org)**

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**Founding Director:** Siobhán Armstrong

**Governing Body:** Prof. Dáibhi Ó Cróinín, Chair; Dr. Karen Loomis, Secretary and acting Treasurer;  
Seán Donnelly; Jane Carter (UK).

### **Introduction**

The Historical Harp Society of Ireland (hereafter referred to as the HHSI) is Ireland's voluntary resource organisation for the promotion of the early Irish harp. The Society provides workshops, concerts, lectures, one-to-one harp tuition (face-to-face and virtual), and an annual summer festival of events including most of these activities.

The HHSI Governing Body recognises that child protection and welfare considerations are pertinent to some aspects of The Historical Harp Society of Ireland's activities, and recognises that children who are engaged in these activities require a safe environment as well as age-appropriate experiences. The HHSI Governing Body is committed to providing creative opportunities for children and young persons to engage in musical activities in such a protected environment.

Child safeguarding considerations therefore continue to be reflected in the HHSI's policies, procedures and practices. Our guiding principles are underpinned by *Children First: National Guidance for the Protection and Welfare of Children*, Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*, the United Nations Convention on the Rights of the Child and current legislation such as the *Children First Act 2015*, *Child Care Act 1991*, *Protections for Persons Reporting Child Abuse Act 1998* and the *National Vetting Bureau Act 2012*. These principles apply to all personnel and volunteers within our organisation. All personnel and volunteers must conduct themselves in a way that reflects the principles of our organisation. All personnel and volunteers must sign up to and abide by these guiding principles and our child safeguarding procedures.

We are committed to upholding the rights of every child and young person who attends our activities, including the rights to be kept safe and protected from harm, listened to and heard. Ensuring the welfare and safety of every child who attends our activities is paramount.

All children and young people have an equal right to attend activities that respect them as individuals and encourages them to reach their potential, regardless of their background.

Our guiding principles apply to everyone in our organisation.

All HHSI personnel will

- recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations
- fully comply with its statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children
- fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters
- adopt safe practices to minimise the possibility of harm coming to children, and protect workers from the necessity to take unnecessary risks that may leave themselves open to accusations of abuse or neglect
- develop a practice of openness with parents / guardians and will fully respect confidentiality N.B. The HHSI will also adhere to the above principles in relation to any adult participant in its activities, who has a special vulnerability.

### **Child Protection Policy Statement**

The HHSI is committed to a child-centred approach to our work with children and young people. We undertake to provide a safe environment and experience, where the welfare of the child/young person is paramount. We have implemented procedures covering:

- a code of behaviour for all personnel
- reporting of suspected or disclosed abuse
- confidentiality
- recruitment and selecting staff
- managing and supervising staff
- involvement of primary carers
- allegations of misconduct or abuse by staff
- complaints and comments
- incidents and accidents

This policy was reviewed on 09.12.19 and will reviewed again on 08.12.21 or sooner if necessary due to service issues or changes in legislation or national policy.




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Prof. Dáibhi Ó Cróinín  
Chair, HHSI Governing Body

## Code of Behaviour for Personnel

All HHSI personnel shall

- lead by example
- treat all children and young people equally
- listen to and respect children and young people
- use appropriate physical and verbal language
- treat all children and young people as individuals
- respect a child's or young person's personal space
- respect differences of ability, culture, religion, race and sexual orientation and ensure that no child or young person is disadvantaged or treated differently because of gender, social or ethnic background, family status, sexual orientation, religion or disability.
- protect and promote the rights of children and young people involved in HHSI events and activities, including their right to be protected, treated with respect, listened to and to have their own views taken into consideration in all decisions affecting them.
- provide encouragement, support and praise, regardless of ability
- encourage a positive atmosphere
- create an atmosphere of trust
- not bully children. Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical. It is behaviour that is intentionally intimidating. 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 identity abuse based on gender, sexual preference, race, ethnicity and religious factors. Children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.
- use age-appropriate teaching aids and materials
- involve children and young people in decision-making, as appropriate
- be cognisant of a child's or young person's limitations, due to a medical or other condition
- offer constructive criticism when needed
- be aware of a child's or young person's other commitments when scheduling activities

HHSI personnel have a responsibility to report breaches of the code of behaviour by their colleagues to the HHSI Designated Liaison Person or to the HHSI Deputy Designated Liaison Person, if that seems to be more appropriate to the complainant.

**N.B. Where the HHSI personnel member feels their concerns have not been given due regard within the organisation or if they feel nervous or worried about bringing the concern to the attention of the DLP or Deputy DLP, they should contact Tusla or An Garda Síochána directly.**

Concerns about colleagues' behaviour may relate to breaches of the HHSI code of behavior, conduct which may breach professional standards or codes of ethics, and /or suspected or witnessed abuse. Behaviours that may cause concern include when a colleague

- is secretive and evasive about their activities and time spent with children and young people
- creates opportunities to spend significant amounts of time away from other HHSI personnel and with a single child or children/young people on a regular basis e.g. invites a child or young person to their home
- seeks out vulnerable children and young people
- sidesteps one-to-one supervision and management of work
- has an unusual amount of physical contact with a child or children
- touches a child or children in an inappropriate way
- talks to a child or children in an inappropriate way
- excludes a particular child or children from activities
- disciplines a child or children inappropriately or punishes a child or children harshly
- handles children/young people roughly
- teases, taunts, insults or makes derogatory remarks about or to a child/young person
- restrains a child/young person as a way of punishment
- sexually harasses or uses sexual innuendo
- humiliates and/or embarrasses children/young people
- deprives children/young people of their basic rights
- inappropriately uses social media
- bullies children/young people

A copy of this code will be made available on request to parents / guardians of children involved in HHSI activities and will be displayed at the HHSI annual summer event.

### **Disciplinary Procedure**

Disciplinary action in the event of a failure of compliance with the HHSI Code of Behaviour for Personnel will be decided on a case-by-case basis in consultation with the HHSI Governing Body.

Any person subject to disciplinary procedures is entitled under HHSI fair procedure to

- have clear information in respect of the complaint
- copies of any documentation used in decision making
- an opportunity to provide their account and for this to be considered before any conclusions are drawn
- have conclusions and decisions set out in writing
- a right of appeal

### **HHSI Practices Regarding Children**

HHSI personnel will

- register each child and obtain an emergency contact
- ask for details of any pertinent medical information or known allergies
- make primary carers, children / young people, staff, facilitators and tutors aware of Child Protection Policy and Procedures
- be inclusive of children and young people with special needs
- plan and be sufficiently prepared both mentally and physically
- report any concerns to the designated person and follow mandated reporting procedures
- strictly prohibit any form of bullying and encourage children and young people to report any bullying, concerns or worries
- observe appropriate dress and behaviour
- provide appropriate training for personnel and volunteers
- report and record any incidents and accidents;
- update and review policies and procedures every two years
- keep primary carers informed of any issues that concern their children;
- ensure proper supervision based on adequate ratios according to age, abilities, and activities involved
- not be passive in relation to concerns
- not let a problem get out of control
- avoid if at all possible giving a lift to a child / young person and if we do then make sure that primary carers are informed
- maintain awareness around language and comments made. If we think something an HHSI personnel member may have said may have caused offence or upset, then we will try to address it in a sensitive manner.

### **Policy on Inappropriate Behaviour**

HHSI personnel will not

- spend excessive amounts of time with children
- use or allow offensive or sexually suggestive physical and/or verbal language
- single out a particular child for unfair favouritism, criticism, or ridicule, or unwelcome focus of attention
- allow/engage in inappropriate touching in any form
- not hit or physically chastise children
- socialise inappropriately with children e.g. outside of structured organisational activities.
- use photos, video footage or images of a child taken at HHSI events for any reason without the express consent of the parent/carer. However, the HHSI cannot guarantee that cameras/videos will not be used at public performances.

### **Physical Contact Policy**

HHSI personnel

- must seek consent of a child in relation to physical contact except in an emergency or dangerous situation
- will avoid horseplay or inappropriate touch

### **Health and Safety Policy**

- Any buildings being used are safe and meet required standards
- There is sufficient heating and ventilation
- Food preparation areas are sanitary and meet food safety requirements
- Toilets and washing facilities are to standard
- Fire precautions are in place
- First aid facilities and equipment are adequate
- There is access to a telephone
- Publicity liability insurance cover is adequate

### **Accidents Procedure**

- First aid boxes shall be available and shall be regularly restocked
- The location of the first aid boxes shall be made known to all personnel
- Parents/guardians will be notified by the appropriate person of injuries/illnesses which occur while children are participating in an HHSI activity
- Cognisance will be taken of responsibility for first aid on off-site trips

### **One-to-One Tuition Policy Guidelines**

The HHSI will agree with parents/guardians regarding the reasons for one-to-one work, the duration and the content of the sessions.

HHSI personnel will be familiar with the guidelines in the Arts Council's *Solo Practitioner Code of Practice for Working with Children and Young People*

### **Summer Festival Field Trip Planning and Documentation Policy**

There will be one person appointed as the overall leader of the group who will have final decision making authority during the trip.

The HHSI undertakes to

- get parental consent for each trip
- provide safe methods of transport



- provide adequate numbers of HHSI personnel to supervise children adequately
- gather any information about the children, which may be relevant e.g. allergies, medical problems, special needs, etc.
- ensure that emergency contact phone numbers for parents/guardians are documented and available.

### **HHSI Complaints and Reporting Procedures**

**SIOBHÁN ARMSTRONG** is the **Designated Liason Person (DLP)** for dealing with any issues related to child protection and welfare within the HHSI and shall respond to any concerns that might be identified. **SYLVIA CRAWFORD** shall assume this role when Siobhán Armstrong is unavailable or if she is directly involved in an incident, suspicion or accusation.

<p>Siobhán Armstrong can be contacted at</p> <p>33 Altamount Park Kilkenny Co. Kilkenny</p> <p>Tel: 086 8623430 E: siobhan.armstrong@irishharp.org</p>	<p>Sylvia Crawford can be contacted at</p> <p>19 Shiels Houses Tower Hill Armagh Co. Armagh BT61 9DW</p> <p>Tel: +44 (0)7445 733450 E: sylvia.crawford@irishharp.org</p>
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All HHSI personnel shall record any or all of the following in relation to children/young people:

- suspicions
- concerns
- worrying observations
- behavioural changes

### **Policy on Responding to a Child Who Discloses Abuse**

Children will often have different ways of communicating that they are being abused. If a child or young person hints at or tells an HHSI personnel member that he or she is being harmed by someone, be it a parent/guardian, another adult or by another child (peer abuse), it should be treated in a sensitive way. A child may disclose abuse to an HHSI personnel member as a trusted adult at any time. It is important that personnel are aware and prepared for this. Response guidelines:

- 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 may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the child 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. 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 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. The child quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards the alleged perpetrator while talking with the child
- It may be necessary to reassure the child 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 that they have taken the right action in talking to you.

#### *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. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate an official investigation.

#### *Confidentiality promises*

**Think before you promise anything – do not make promises you cannot keep.** At the earliest opportunity, tell the child/young person that you acknowledge that they have come to you because they trust you but **do not** promise to keep secrets. By refusing to make a commitment to secrecy to the child/young person, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than to tell a lie and ruin the child/young person's confidence in yet another adult. By being honest, it is more likely that the child/young person will return to you at another time.

Explain that you will be sharing this information only with people who understand this area and who can help. That there are secrets which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further on-going hurt.

<i>Phrases to use</i>	<i>Phrases not to use</i>
I want to listen to what you have to say	Wait until I get someone senior to me so you can tell them too

I am going to do my best to help you	I can't do anything
You did the right thing by telling me, this is what I am going to do next	I find that hard to believe; I'm shocked to hear that
You are not to blame	Could you be to blame in any way here?
Is there anything else you want to share?	Please don't tell me any more
I may not be able to keep this secret, in order to be best able to help you	Yes, I'll keep this a secret
Is there anything else you want to share?	Don't tell me any more

At the earliest possible opportunity:

- record in writing, in a factual manner, what the child has said, including, as far as possible, the exact words used by the child
- inform the DLP immediately and agree measures to protect the child e.g. report the matter to Tusla
- maintain appropriate confidentiality

#### *Ongoing support*

Following a disclosure by a child, it is important that the HHSI personnel member continues in a supportive relationship with the child. Disclosure is a huge step for a child. HHSI personnel should continue to offer support, particularly by

- maintaining a positive relationship with the child
- keeping lines of communication open by listening carefully to the child
- continuing to include the child in usual activities.

Any further disclosure should be treated as a first disclosure and responded to as indicated above. Where necessary, immediate action should be taken to ensure the child's safety.

### **Policy on Responding to Adults Who Disclose Childhood Abuse**

Where such a disclosure is made it is essential to establish whether there may be current risk to any child or young person who may be in contact with the alleged abuser revealed in the disclosure. If any risk is deemed to exist to a child who may be in contact with an alleged abuser, follow the HHSI child protection and welfare reporting procedure. The HHSI DLP will report the allegation to Tusla without delay.

### **Policy on Reporting Concerns About an Adult Who May Pose a Risk to Children**

If you are unsure about whether to report or not, consult with the DLP. If there are ongoing child protection concerns, Tusla will take necessary actions to ensure any child who may be at risk of harm is protected.

The Retrospective Abuse Report Form (RARF) should be used to report disclosures of childhood abuse by adults. The form is available on the Tusla website, [www.tusla.ie](http://www.tusla.ie).

### **Responding to Allegations of Abuse Made Against HHSI Personnel**

An allegation of abuse may relate to a person who has

- behaved in a way that has or may have harmed a child
- possibly committed a criminal offence in relation to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to a child
- behaved in a way that is contrary to the HHSI's code of behaviour for personnel
- behaved in a way that is contrary to professional practice guidelines.

The HHSI will ensure that everyone involved is dealt with appropriately and in accordance with HHSI child safeguarding procedures. There are two separate procedures to be followed:

- A. The reporting procedure to Tusla in respect of the child and the alleged abuser
- B. The internal personnel procedure for dealing with the personnel member

The priority is to protect the child/young person while taking account of the HHSI personnel member's right to due process. 'Protective measures' do not presume guilt. A quick resolution should be sought for the benefit of all concerned. The procedures for dealing with allegations of abuse against HHSI personnel members will be objectively applied in a consistent manner. All stages of the process will be recorded. Close liaison will be maintained between the HHSI, Tusla, and An Garda Síochána (where appropriate).

### **Reporting Allegations of Abuse Made against HHSI Personnel Members to Tusla**

The DLP must be alerted to the allegation by the reporter. The first priority is for the safety of the child; the HHSI will make sure that no child is exposed to unnecessary risk. Parents/guardians will be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made.

### **Internal Procedures for Dealing with the HHSI Personnel Member**

In making an immediate decision about the HHSI personnel member's presence in the organisation, the DLP will, as a matter of urgency, take any measures necessary to protect the child. These should be proportionate to the level of risk to the child; 'protective measures' do not presume guilt. The DLP will privately inform the HHSI personnel member that an allegation has been made against him or her and

the nature of the allegation. The HHSI personnel member will be afforded an opportunity to respond. The DLP will note the response and pass on this information if making a formal report to Tusla. The DLP will ensure that actions taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána.

### **HHSI Child Safeguarding Training Strategy**

HHSI personnel will complete the Tusla child safeguarding training, e-learning programme known as *Introduction to Children First*. This covers recognising and reporting child abuse, and the responsibilities of those working with children to safeguard children using their services. Completion certificates will be required for all HHSI personnel.

HHSI tutoring personnel will be required to read The Arts Council's *Solo Practitioner code of practice for working with children and young people* and to confirm in writing that they have done so.

New HHSI personnel will be inducted into HHSI guiding principles and child safeguarding procedures and will be required to sign copies of the HSHI Child Protection Policy and Procedures document.

### **HHSI Safeguarding Reporting Procedures**

- The person who has expressed the concern should be kept informed and involved
- All actions and outcomes should be noted
- Record all details, including the date, time, people involved in the concern or the disclosure and the facts. Any opinion should be supported by facts
- Inform the DLP or the Deputy DLP if the DLP is unavailable or an inappropriate choice, for any reason
- The DLP or the Deputy DLP will discuss the concern and consult with primary carers. Primary carers will be made aware of a report to Tusla unless it is likely to put the child at further risk
- The DLP or her representative may contact a Tusla social worker for an informal consultation prior to making a report
- Information will be shared on a strictly 'need to know' basis
- Reports to a social worker can be made verbally initially and then followed by a written report using a reporting form from Tusla. Reports will be made without delay
- If the DLP or the Deputy DLP are unavailable, the Tusla duty social worker may be contacted directly
- In case of emergencies outside of Tusla opening hours, contact the Gardaí. In situations that threaten the immediate safety of a child, it may also be necessary to contact the Gardaí
- If the DLP decides not to make a report, the person who has expressed the concern is still entitled to make a report to Tusla under Children First: National Guidance for the Protection and Welfare of Children, should they wish to do so. The individual worker has protections under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

## **Incident Record Keeping**

- HHSI incident records will be factual and include details of contacts, consultations and any actions taken.
- Records on child protection concerns, allegations and disclosures will be kept securely and safely within the organisation.
- Records will only be used for the purpose for which they are intended.
- Records will only be shared on a need to know basis in the best interests of the child.
- The HHSI Governing Body Chair, the DLP and the Deputy DLP will have access to the records.
- Any incident records will be stored in a Dropbox folder – ‘HHSI Child Protection Incident Report File’ – which is held separately to the main HHSI Dropbox folder. It is accessible by the DLP, the deputy DLP and the HHSI Governing Body Chair. HHSI child protection records will be reviewed and updated as required, by the DLP.

## **Confidentiality Statement**

The HHSI is committed to ensuring people's right to confidentiality. However, in relation to child protection and welfare:

- information will be forwarded only on a ‘need to know’ basis with the relevant statutory authorities and with the parents / guardians, in order to safeguard the child
- giving such information to others for the protection of a child or young person is not a breach of confidentiality or data protection
- the HHSI cannot guarantee total confidentiality where the best interests of the child or young person are at risk
- primary carers and affected children have a right to know if personal information is being shared and/or a report is being made to Tusla, unless doing so would put the child/young person at further risk

## **Policy and Procedure on Recruiting and Selecting Personnel**

The HHSI will ensure that personnel are carefully selected, trained, and supervised, to provide a safe environment for all children by observing the following:

- roles and responsibilities will be clearly defined for all jobs, whether paid or voluntary
- the HHSI will endeavour to select the most suitably qualified personnel
- at least two references that are recent, relevant, independent and verbally confirmed will be necessary
- candidates will be Garda vetted
- no person who would be deemed to constitute a risk will be employed. Some exclusions would include
  - any child-related convictions
  - a refusal to sign a declaration form

- insufficient documentary evidence of identification
- concealing information on one's suitability to working with children

### **Policy with Regard to Involvement of Parents / Guardians**

The HHSI is committed to being open with all parents/guardians and will

- advise primary carers of the HHSI child protection policy
- issue contact/consent forms where relevant
- comply with HHSI health and safety practices
- operate child-centred policies in accordance with best practice
- adhere to our recruitment guidelines
- ensure as far as possible that activities are age-appropriate
- encourage and facilitate the involvement of parents, carers, or responsible adults

If the Society has concerns about the welfare of a child, we will

- respond to the needs of the child
- inform the primary carers on an ongoing basis unless this action puts the child at further risk

Where there are child protection and welfare concerns we are obliged to pass these on to the Tusla Duty Social Worker and, in an emergency, the Gardaí. In the event of a complaint against an HHSI personnel member, we will immediately endeavour to ensure the safety of the child and will inform primary carers as appropriate. We are committed to putting the interest of the child first. To that end we will

- contact Tusla and the Gardaí (as appropriate) where there is a child protection welfare concern
- encourage primary carers to work in partnership with us under the guidelines set out by our organisation to ensure the safety of their children
- have a designated contact person available for consultation with primary carers in the case of any concern over a child or young person's welfare

### **Policy on Dealing With Allegations Against an HHSI Personnel Member**

- A. In respect of the child, the DLP will deal with issues related to the child/young person.
- B. In respect of the person against whom the allegation is made, the DLP will deal with issues related to them.

The first priority is to ensure that no child or young person is exposed to any unnecessary risk. If allegations are made against the DLP, then the Deputy DLP should be contacted. The reporting procedures outlined in these guidelines should be followed. Both the primary carers and the child should be informed of actions planned and taken. The child should be dealt with in an age-appropriate manner. The HHSI personnel member will be informed as soon as possible of the nature of the allegation and should be given the opportunity to respond. Any action following an allegation of abuse

against an HHSI personnel member should be taken in consultation with Tusla and the Gardaí. After consultation, the accused HHSI personnel member should be advised that agreed procedures will be followed.

### **Policy on Talking to Parents/Guardians in Relation to a Child Safeguarding Concern**

Parents/guardians should have prior awareness of HHSI guiding principles, procedures and duties to safeguard children. In communicating with parents/guardians, the HHSI will follow these best practice guidelines:

- Think about the time and place to have the conversation; find a time when parents/guardians are not in a hurry; find a place that is quiet and allows privacy
- Be straightforward and explain clearly the nature of the concern or issue, e.g. by using facts and records of observations made
- Use a calm and gentle tone, carefully considering the language used
- Start with positive comments and observations about the child/young person. Ensure that the parents/guardians know that you care about the welfare of their child and recognise their strengths
- Next, make positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times
- Take the approach that you are working together to address any issues in the best interests of the child/young person
- Don't blame, don't get defensive and don't take things personally
- Refer to how the situation may be affecting the child/young person
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings
- Ensure that you are supportive but also address the issue
- Offer possible solutions, where appropriate
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate
- Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with a Tusla duty social worker. N.B. If a report needs to be made to Tusla, do not delay
- Refer to HHSI guiding principles and child safeguarding procedures for support
- It is best practice that parents/guardians are informed if a report is to be made to Tusla, unless doing so might further endanger the child, impair Tusla's ability to carry out a risk assessment or put the reporter at risk of harm (*Children First: National Guidance for the Protection and Welfare of Children*)
- Consideration must also be given to responsibilities under the Criminal Justice (Withholding of



Information on Offences against Children and Vulnerable Persons) Act 2012, which are in addition to any reporting requirements under the Children First Act 2015 or *Children First: National Guidance for the Protection and Welfare of Children*

### **HHSI Complaints and Comments Procedures**

Verbal complaints or comments will be logged and responded to. Written complaints or comments will be responded to within two weeks. The DLP or – in their absence – the Deputy DLP have responsibility for directing complaints/comments to the appropriate person.

Complaints may arise in response to

- an alleged breach of the HHSI code of behaviour by a personnel member
- a particular practice issue
- perceived poor attitude of an HHSI personnel member
- a child feeling unhappy about an incident or an event
- a parent/guardian feeling unhappy about an incident or event involving their child
- dissatisfaction in relation to an aspect of the service being provided

### **APPENDICES**

The HHSI incorporates and attaches definitions of child abuse after the definitions set out in Tusla guidelines: <https://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/>

The HHSI incorporates and attaches the *HHSI Form for Reporting Child Protection and/or Welfare Concerns*.

#### **APPENDIX 1: DEFINITIONS OF CHILD ABUSE**

##### *Neglect*

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. 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:

- children being left alone without adequate care and supervision
- malnourishment, unsuitable food or erratic feeding
- on-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. 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. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship. Emotional abuse may be seen through the following caregiver attributes:

- rejection
- lack of comfort and love
- lack of bonding and 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

suspicious of an adult, and/or by physical symptoms. 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
- any sexual act intentionally performed in the presence of a child
- 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.

## **APPENDIX 2:**

### **FORM FOR REPORTING CHILD PROTECTION AND/OR WELFARE CONCERNS**

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#### **REPORTING CHILD PROTECTION AND / OR WELFARE CONCERNS TO TUSLA**

*PRIVATE AND CONFIDENTIAL*

*In case of emergency or outside Tusla office hours, contact should be made with An Garda Síochána*

#### **Details of Child**

Name: \_\_\_\_\_ Sex: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Date of birth: \_\_\_\_\_  
\_\_\_\_\_ School: \_\_\_\_\_

Name of Mother: \_\_\_\_\_ Name of Father: \_\_\_\_\_  
Address of Mother if different to Child: \_\_\_\_\_ Address of Father if different to Child: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. no.: \_\_\_\_\_ Tel. no.: \_\_\_\_\_

Care and Custody arrangements regarding child, if in place and if known: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Household Composition**

Name / Relationship to Child / Date of Birth / Additional Information e.g. School/Occupation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N.B. A separate report form must be completed in respect of each child being reported

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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Details of person(s) allegedly causing concern in relation to the child**

Name: \_\_\_\_\_ Sex: \_\_\_\_\_  
Address (if known): \_\_\_\_\_  
\_\_\_\_\_

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

Relationship (if any) to child: \_\_\_\_\_

**Name and Address of other personnel or agencies involved with this child**

Social Workers: \_\_\_\_\_ School: \_\_\_\_\_  
Public Health Nurse: \_\_\_\_\_ Gardaí: \_\_\_\_\_

G.P.: \_\_\_\_\_ Pre-School/Crèche/Youth Club: \_\_\_\_\_

Hospital: \_\_\_\_\_

Other, specify e.g. Youth Groups, After School Clubs:

Are the parents / guardians aware of this referral to Tusla? Yes No

Are the parents / guardians supportive? Yes No

**Details of person reporting concerns**

*Please see Tusla guidance notes re limitations of confidentiality*

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

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

Tel. no.: \_\_\_\_\_

Nature and extent of contact with child/family:

**Details of person completing form (if different)**

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

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

Tel. no.: \_\_\_\_\_

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

Please fill in as much information and detail as is known to you. This will assist Tusla in assessing the level of risk to the child, or support services required. If the information requested is not known to you, please indicate by putting a line through the question. It is likely that a Tusla social worker will contact you to discuss your report. Tusla aims to work in partnership with parents. If you are making this report in confidence you should note that Tusla cannot guarantee absolute confidentiality as

- a court could order that information be disclosed
- under the Freedom of Information Act, 1997, the Freedom of Information Commissioner may order that information be disclosed

You should also note that in making a ‘bona fide report’ you are protected under the Protection for Persons Reporting Child Abuse Act, 1998. If you are unsure if you should report your concerns, please telephone a Tusla duty social worker and discuss your concerns with them.

I hereby certify that I have read pages 1–22 of the HHSI CHILD PROTECTION POLICY AND PROCEDURES document sent to me on 25.02.20 and that I undertake to abide by the principles, policy and procedure outlined in it.

Signed

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\_\_\_\_\_ (name in print)

Date: