



**Comhairle Contae
Dhún na nGall**
Donegal County Council

**DONEGAL COUNTY COUNCIL POLICY FOR THE
PROTECTION OF CHILDREN AND VULNERABLE
ADULTS**

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Introduction

Children, because of their dependency and immaturity, are vulnerable to abuse in various forms. Parents or guardians have primary responsibility for the care and protection of their children. However, Donegal County Council has a responsibility to ensure the protection of children participating in any of the Local Authorities activities.

This policy extends to all staff. All employees must be sensitive to the vulnerability of children during the course of their duties and act in a responsible manner at all times. It is recognised that most staff members do not have expertise in this area; it is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities and shall not be undertaken by the Council's Child Protection Liaison Officer(s) or other Local Authority employees.

These Guidelines have been developed in accordance with government guidelines Children First: National Guidelines for the Protection and Welfare of Children, a copy of which can be made available on request or can be found on the website of the Department of Health and Children – www.dohc.ie

These policy are directed at all those who have contact with children in the normal course of their duties, to provide guidance on appropriate behaviour around children and what to do if physical, sexual or emotional and neglect abuse is suspected.

This Policy is not a legal interpretation of the legislation.

1. Child Protection Policy Statement

Donegal County Council is committed to a child-centred approach to our work with children, young people and vulnerable adults in all services and activities as operated by the Authority. We undertake to provide a safe environment and experience where the welfare of the child is of paramount importance. We will adhere to the guidelines as laid out in Children First: National Guidance for the Protection and Welfare of Children by implementing procedures covering:

- Appropriate recruitment and selection of employees and volunteers;
- Implementing the Garda Vetting Legislation for all relevant employees and volunteers;
- Appropriate management, supervision and training of employees;
- The reporting, investigation and recording of incidents and accidents complaints made against the Council, its employees/volunteers;
- The reporting of suspected or disclosed abuse confidentiality;
- Circulation of information to employees, volunteers, parents/guardians and participants on our activities and what can be expected of the Authority in relation to those activities;
- Allegations of misconduct or abuse by employees.

For the purposes of this policy, any reference to children will equally apply to vulnerable adults.

Definition of ‘Vulnerable Adult’: - “Any person age 18 years or over who, is or may be, in need of Community Care Services by reason of mental or other disability, age or illness and who, is or may be, unable to fully take care of himself/herself against harm or serious exploitation.”

Definition of ‘Child’: - In this policy "child" means a person under the age of 18 years, excluding a person who is or has been married.

Child Protection Liaison Officer

Donegal County Council will appoint at least one Child Protection Liaison Officer to:

- Act as a source of advice on child protection matters;
- Co-ordinate action within the Authority; and with any other Child Protection Liaison Officers;
- Liaise with TUSLA and An Garda Síochána and other agencies about suspected or actual cases of child abuse;
- Be accessible to all staff;

The person(s) designated shall ensure that s/he is knowledgeable about child protection and that s/he undertakes any training considered necessary to keep updated on new development.

The role of the Child Protection Liaison Officer(s) is to:

- Establish contact with the senior member of TUSLA responsible for child protection in the Authority's catchment area, i.e. Child Care Manager or Principal Social Worker;
- Provide information and advice on child protection within the Authority;
- Ensure that the Authority's child protection policy and procedures are followed and to inform appropriate sources of relevant concerns about individual children;
- Ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing under confidential cover using the Donegal County Council Reporting form to TUSLA & An Garda Síochána (See Appendix II);
- Liaise with TUSLA/An Garda Síochána and other agencies as appropriate;
- Keep relevant people within the organisation, particularly the Chief Executive and his/her nominee informed of relevant issues, whilst maintaining appropriate confidentiality;
- Advise the organisation of child protection training needs.

The name and contact details of the Child Protection Liaison Officer(s) shall be made available to all employees, volunteers, relevant agencies and users of the Local Authority services, where appropriate.

- The Deputy Child Protection Liaison Officer is authorised to respond to referrals when the Child Protection Liaison Officer is unavailable.

For details of the Child Protection Liaison Officer(s), **see Appendix I.**

2. Code of behaviour in relation to children

Donegal County Council aims to create an environment in which children are listened to, given a sense of belonging, and kept safe; parents are supported and encouraged; and employees and volunteers who work with children and young people are supported and protected. In order to meet these aims Donegal County Council will follow a framework for good practice and a code of behaviour as set out below.

Donegal County Council' Child-Centred Approach

All of Donegal County Council' activities involving children shall be guided by what is best for children. Children's activities shall be conducted in a safe, positive and encouraging atmosphere. Standards of excellence should extend to personal conduct.

Taking a child-centred approach means to:

- Treat all children equally;
- Listen to and respect children;
- Involve children as appropriate;
- Provide encouragement, support and praise (regardless of ability);
- Use appropriate language (physical and verbal);
- Have fun and encourage a positive atmosphere;
- Offer constructive criticism when needed;
- Treat all children as individuals;
- Respect a child's personal space;
- Use age-appropriate teaching aids;
- Lead by example;
- Be aware of child time limitations e.g. school/exams when scheduling activities;
- Create an atmosphere of trust;
- Respect and be aware of differences of ability, culture, religion, race and sexual orientation and membership of the Traveller Community;
- Endeavour to provide equality/diversity training for employees in relation to cultural differences;
- Use all information in respect of children only for the purpose for which it is given, subject to child protection concern.

Good Practice Framework

Donegal County Council aims to work within the following framework for good practice by:

- Providing policy training for employees and volunteers in line with this policy;
- Registering each child for day long or long term activities or projects (name, address, phone, special requirements, attendance, emergency contact & parental consent). It is suggested that registration forms be established for relevant service points;
- It will be noted that it is not possible to cover all open or public events e.g. concerts, festivals, play days, playgrounds etc.
- Complying with the provisions of the Data Protection Acts in respect of personal and sensitive data regarding children and their parents/guardians subject to child protection concerns;
- Making parents/guardians, children, visitors and facilitators aware of this child protection policy;
- Having procedures in place for accident/injuries or emergencies as per Health & Safety and accident reporting books;
- Reporting/recording any incidents and accidents;
- Being inclusive of children with special needs;
- Reporting any concerns to a Child Protection Liaison Officer and following reporting procedures;
- Encouraging children to report any bullying concerns and worries and be aware of anti-bullying policy as appropriate to the service;
- Evaluation of work practices where contact with children occurs on a regular basis;
- Reviewing and updating policies and procedures regularly;
- Keeping parents/guardians informed of any issues of concern regarding their children as appropriate to the service i.e. formal organised activities e.g. sports events;
- Ensuring appropriate, to the service, supervision [including minimum of two adults] depending on age, abilities and activities involved;
- Ensuring that partner organisations are familiar with Donegal County Council' this policy;
- Not ignoring concerns;
- Not letting a problem get out of control;
- Ensuring that there are adequate insurance arrangements in place to cover all relevant activities;
- In certain contexts, not photographing/filming or otherwise recording or permitting the photographing/filming or otherwise recording of children without the written consent of the parent/guardian;
- Not displaying images of children without the written consent of the parent/guardian
- Ensure appropriate internet policies at Local Authority access points.

Inappropriate Behaviour – Checklist for Employees/Volunteers

- Avoid spending excessive amounts of time alone with children;
- Avoid taking children on journeys alone in a car where possible and never without the consent of the parent/guardian;
- Where possible employees should avoid being in a one to one situation with a child;
- Do not use/allow offensive or sexually suggestive physical conduct and/or verbal language;
- Do not single out a particular child (for unfair favouritism, criticism or ridicule);
- Do not allow/engage in inappropriate touching of any form;
- Do not hit or physically chastise children;
- Do not socialise inappropriately with children e.g. outside of structured organisational activities;
- Where physical contact is an inherent part of an activity, it is important to seek consent of child/young person in relation to physical contact (except in an emergency or a dangerous situation); avoid horseplay or inappropriate touch; check with child/young person about their level of comfort when doing touch exercises i.e. games may involve holding hands and it is about ensuring that this is done openly and within safe and comfortable limits for the child or young person;
- Not revealing personal information about children in any way, subject to child protection concerns;

Considerations for the Health and Safety of Children

- Do not leave children unattended/unsupervised
- Ensure that children are not in contact with any dangerous materials;
- Provide a safe environment and where feasible ensure another employee/volunteer is present;
- Be aware of and comply with Donegal County Council' policy on Safety, Health and Welfare at Work;
- Ensure that you are familiar with and comply with Donegal County Council' procedures in relation to accidents;
- Familiarise yourself with and where necessary comply with the emergency evacuation procedures particular to the location in which you are located and brief the children in your care on what they are to do/where they must go in an emergency;
- Be familiar with the particular risks associated with the activity and/or location at which you are based. Read and understand the Safety Statement for that location;
- When undertaking a risk assessment take account of a child's natural curiosity and include appropriate precautions to safeguard a child's potential exposure;
- For any further advice in relation to health and safety issues you should contact Donegal County Councils Health & Safety Officers.

Consideration for Children with Special Needs or Disabilities

Adhere to national legislation including Disability Act 2005, and Equal Status Acts 2000-2007 in relation to children with disabilities or special needs to ensure access to all Local Authority services and activities.

General Supervision

Where practicable, employees/ volunteers shall endeavour to ensure that there are adequate adult/child ratios. The appropriate ratio will depend on the nature of the activity, the age of the children and any special needs of the group, in line with best practice guidelines.

- Employees/ volunteers shall endeavour to avoid being left alone with children;
- If an adult needs to talk separately to a child this should be done in an open environment in view of others whilst offering the child confidentiality;
- Employees should not be left alone with children at the end of an activity;
- Times for start and finish of activities should be clearly stated;
- Late collection of children by parents/guardians presents a potentially difficult situation, and employees/volunteers shall attempt to contact the child's parent/guardian on their contact number;
- Use an alternative contact name/number agreed with the child's parent/guardian if necessary;
- Wait with the child with another employee member/volunteer present where possible;
- Make it clear to parents/guardians that it is not Donegal County Council's responsibility to transport children home on behalf of parents/guardians who have been delayed;

Employees/volunteers shall not:

- Take the child home or to another location without permission from a parent/guardian;
- Send the child home with another person without permission from a parent/guardian;
- Leave a child unaccompanied.

Dealing with Challenging or Disruptive Behaviour

Disruptive behaviour is unacceptable, and disruptive children will be asked by employees to behave. Disruptive behaviour will be reported to parent/guardian. If a child continues to be disruptive s/he will be advised that s/he is causing a disturbance and given a warning. A warning letter may be sent to the parent/guardian stating that further disruptions may result in withdrawal of facilities or services to the child. If a child is in danger to themselves or others further action may be required i.e. parent/Gardaí to be contacted.

When dealing with a disruptive child it is recommended that where possible more than one employee or volunteer be present. Instances of disruptive behaviour that require the intervention of the employee, and which put at risk the safety and well being of others, must be documented. The report shall describe:

- The programme or activity running at the time;
- What happened;
- Who was involved;
- Where and when it happened;
- What was said, if significant;
- Any injury to person or property;
- How the situation was resolved;
- An Incident Report Form shall be completed. (**Appendix III**).

3. Reporting Child Protection & Welfare Concerns

Recognising Child Abuse

Child abuse can often be difficult to identify and may present in many forms see **Appendix IV** for guidance on categories of child abuse). Early detection is important and individuals working with children should share their concerns about child protection or welfare with the Child Protection Liaison Officer(s) within Donegal County Council.

If a child hints at or tells you that he or she is being abused, it must be handled very sensitively, and in the following way:

- Stay calm and listen – give the child time to say what she or he wants;
- Do not ask leading questions or details, or make suggestions;
- Do not stop the child recalling significant events, but do not make him or her repeat the story unnecessarily;
- Reassure the child, but do not promise to keep it a secret;
- Explain what needs to be done next;
- Record the discussion as carefully as possible.

The information shall then be passed on in accordance with the procedures outlined below.

The primary responsibility of the person who first suspects or is told of abuse is to report it and to ensure that their concern is taken seriously. The guiding principles in regard to reporting child abuse may be summarised as follows:

- The safety and well-being of the child must take priority;
- Reports should be made without delay;
- The principle of natural justice shall apply, as appropriate;
- A person is innocent until proven otherwise however any measures necessary to protect a child must be taken;
- The principle of confidentiality shall apply, whereby only those who need to know should be told of a suspicion/allegation/disclosure of abuse and the number that need to be kept informed shall be kept to a minimum.

Steps to be taken by an employee who knows about or suspects child abuse

- An employee/ volunteer who knows or suspects that a child has been or is at risk of being harmed has a duty to convey this concern to the Child Protection Liaison Officer(s) without delay..
- The Child Protection Liaison Officer(s) will report the information to TUSLA who in turn, notifies An Garda Síochána; (TUSLA provides its service 9.00am to 5.00pm Monday to Friday, and a duty social worker is the point of referral, based in Millennium Court, Pearse Rd, Letterkenny).
- In an emergency, a report must be made directly to An Garda Síochána; (Outside of hours 9.00pm to 5.00pm including weekends.)
- If the suspected abuser is an employee/ volunteer of Donegal County Council, the matter should be brought to the immediate attention of the HR Manager or his/her
- The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for TUSLA or An Garda Síochána;
- Under no circumstances should any individual member of employee or volunteer attempt to intervene or deal with the problem of abuse alone.

Guidelines for Recognition

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

These are:

- considering the possibility;
- looking out for signs of abuse;
- Recording of information.

The possibility of child abuse should be considered if any of the signs or symptoms referred in **Appendix III**. Signs of abuse can be physical, behavioural, or developmental. They can exist in the relationships between children and parents / other family members / guardians / supervisors or other adults. A cluster or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be believed; less obvious signs could be gently explored with the child, without direct questioning. Play situations such as drawing or story telling may reveal information.

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

If abuse is suspected, it is important to establish the grounds for concern (see **Appendix V**). TUSLA should always be informed when a person has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse.

The following examples would constitute reasonable grounds for concern.

- Specific indication from the child that (s)he was abused;
- An account by a person who saw the child being abused;

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- Evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused another way;
- An injury or behaviour which is consistent both with abuse and with innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- Consistent indication, over a period of time that a child is suffering from emotional or physical neglect.

Observations should be accurately recorded and should include dates, times, names, and locations.

Steps to be taken by the Child Protection Liaison Officer

- When the designated Child Protection Liaison Officer receives a report about suspected or actual child abuse, they should consider whether there are reasonable grounds for reporting it to TUSLA. It may be helpful; to discuss the matter with a professional, such as a social worker, who can assist in deciding whether or not to formally report concerns to TUSLA.

This may involve:

- Where there is any doubt or uncertainty, consult informally initially with a TUSLA Duty Social Work Department to hear its view of the situation; (See **Appendix V** for a list of TUSLA Area Social Work Contact Details);
- Informing parents about making the referral unless this would endanger the child;

Standard reporting procedure

Where reasonable grounds exist for the reporting of suspected or actual child abuse a report shall be made to TUSLA in person, by telephone and in writing by the Child Protection Liaison Officer. Reports will be made to TUSLA Duty Social Worker Department and directly to the social worker. Each TUSLA office has a social worker on duty for a certain number of hours each day. The duty social worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns. In the event of an emergency, or the non-availability of TUSLA employees, the report should be made to An Garda Síochána. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending the intervention of TUSLA.

Information required when a report is being made

The ability of TUSLA and/or An Garda Síochána to assess suspicions or allegations of child abuse will depend on the amount and quality of information conveyed to them by persons reporting their concerns.

A template form for reporting Child Protection and/or Welfare concerns is attached in Appendix II.

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Additional guidance on the arrangements for reporting child abuse can be found in Chapter 4 of Children First – National Guidelines for the Protection and Welfare of Children issued by the Department of Health and Children.

All actions taken and outcomes should be recorded.

Cases where concerns are not referred on

In those cases where the child protection liaison officer following consultation with the duty social worker agrees that it should not refer concerns to TUSLA or An Garda Síochána, the employee / volunteer who raised the concern must be given a clear written statement, from the Child Protection Liaison Officer, of the reasons why they are not doing so. The employee / volunteer should be advised that, if they remain concerned about the situation, they are free to consult with, or report to, TUSLA or An Garda Síochána.

Malicious or vexatious allegations of child abuse made by employees / volunteers may be considered to be a disciplinary matter and dealt with accordingly, subject to 'The Protections for Persons Reporting Child Abuse Act, 1998' (see below).

Common Impediments to the Reporting of Child Abuse

Child abuse is a difficult and, to some people, distasteful subject. There is a common tendency to believe that it happens only to 'other people'. The identification of child abuse is frequently linked to personal experiences, values and beliefs, and there may be a reluctance to acknowledge its existence. The belief that parents or other persons in charge of children would actually hurt or neglect them is not easy to sustain. It is easy, therefore, to deny, minimise or explain away any signs that a child is being harmed, even when evidence exists. At times, it is hard to distinguish between abusive situations and those where other social problems such as unemployment, poverty, poor housing, mental illness or isolation are present. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of children. Reluctance to act on suspicions about child abuse can often stem from uncertainty and fear. Individuals may be afraid of repercussions, afraid of being thought insensitive, afraid of breaking confidence, or afraid of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action.

The Protections for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to designated officers, TUSLA or any member of An Garda Síochána. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

4. Dealing with complaints/allegations against Donegal County Council, Employees and Volunteers

Allegations of a general nature

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Allegations of a general nature (not related to the alleged abuse or neglect of a child) which are made against Donegal County Council, its employees or volunteers must be investigated, dealt with and managed by Donegal County Council in accordance with the Authority's Complaints Procedure.

Employees / volunteers are required to co-operate with investigations by or on behalf of Donegal County Council in accordance with the Complaints Procedure. Donegal County Council Disciplinary Procedure may be invoked in circumstances where it is found that an employee / volunteer has engaged in negligent, unsafe or otherwise inappropriate behaviour in respect of the allegation.

Allegations against an Employee or Volunteer

Where an allegation of abuse of a child is made against an employee or volunteer the reporting procedure must be dealt with and managed by the HR Manager, guided by the Authority's Child Protection Liaison Officer(s) as outlined under Children First: National Guidelines for the Protection and Welfare of Children. It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities i.e. TUSLA/An Garda Síochána and shall not be undertaken by Donegal County Council' Child Protection Liaison Officer(s) or other Local Authority employees. Where such an allegation is made against an employee, or volunteer contact and consultation with TUSLA and An Garda Síochána will take place as soon as reasonably practical. This may be done through Donegal County Council' Child Protection Liaison Officer(s). Following these consultations any action will be undertaken by the relevant Statutory Body.

The HR Manager will, as a matter of urgency, take any necessary protective measures that are proportionate to the level of risk and will balance the Council's obligations to its employee with its obligations in respect of the best interests of children.

When an allegation is made against an employee, the following steps shall be taken:

- (i) The first priority shall be to ensure that no child is exposed to unnecessary risk. The HR department should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk.
- (ii) Action shall be guided by the agreed internal procedures i.e. Donegal County Council's Grievance and Disciplinary Procedures and Code of Conduct for employees as applicable, the applicable employment contract and the rules of natural justice, where appropriate
- (iii) The HR Manager can then bring this to the attention of senior staff as they see appropriate.
- (iv) The follow up on an allegation of abuse against an employee shall be made in consultation with TUSLA and An Garda Síochána.
- (v) When pursuing the question of the future position of the employee, the HR department shall advise the person accused of the allegation and the agreed procedures shall be followed;
- (vi) Donegal County Council shall take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by TUSLA or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

Employees / volunteers may be subjected to erroneous or malicious allegations. Therefore any allegation of abuse will be dealt with sensitively and support will be offered to employees including accessing the Staff Welfare office or Employee Assistance Programme where necessary. However, the primary goal is to protect the child while taking care to treat the employee/volunteer fairly.

5. Confidentiality

All information regarding concerns of child abuse shall be shared only on "a need to know" basis in the interests of the child. No undertakings regarding secrecy can be given. Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional employees that have a responsibility for ensuring the protection of children. Giving information to others for the protection of a child is not a breach of confidentiality.

Anyone who receives information from colleagues about possible or actual child abuse must treat it as having been given in confidence, subject to above. Any breaches of confidential information may be regarded as a disciplinary matter, subject to above.

Records should be kept in accordance with the Data Protection Act, within an agreed HR filing system and be available only to those directly involved and within the confines of the obligations and duties of the Data Protection Act, 2003.

6. Recruitment and Selection

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a legislative basis for the mandatory vetting of persons, who wish to undertake certain work or activities or to provide certain services to, children or vulnerable persons. In the Acts a child is defined as a person under 18 years of age.

Garda Vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons. Categories of staff who are deemed to be subject to vetting are outlined in detail in Appendix 1.

Donegal County Council has assessed the roles and activities undertaken by staff across the organisation and based on this has determined that particular grades of staff/areas of work will initially be the subject of Garda Vetting. The Council will continue to assess grades and individual roles however on an ongoing basis in this regard. The following categories of employment are currently subject to Garda Vetting. Such categories will be subject to ongoing review and adjustment as circumstances require:

1. Library employees;
2. Fire Services employees;
3. School warden employees;
4. Social Worker employees;
5. Sport & Leisure employees (inc. lifeguards);
6. Caretakers in residential accommodation areas;
7. Housing employees;
8. Liaison Persons (vetting) employees.

Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 retrospective vetting of existing employees is also required and should commence no later than 31st December 2017. The Council requires that all employees currently in relevant work activities as set out above to undergo retrospective Garda vetting. The Council will carry out re-vetting every 5 years or on a more frequent basis in circumstances where this is deemed necessary.

All candidates being considered for employment will be subject to reference checks. It is the policy to gain at least two recent employment references from those who have knowledge of the individual's recent career in a professional context.

Donegal County Council is committed insofar as reasonably practicable to accommodating requests for work placements from Secondary Schools. It is the responsibility of the Training and Development Department to ensure that applicants are placed with a Line Manager who has been vetted by an Garda Siochana. Line Managers

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must ensure that they are familiar with the Child Protection Policy and abide by the Guidelines contained therein.

7. Grant Funding

In circumstances where there is grant assistance being provided by Donegal County Council to festivals or community groups under the Arts or any grant scheme, Donegal County Council, where practicable, will require that the group or festival has appropriate policies in place as regards child protection. Donegal County Council should also require confirmation that the appropriate insurance policies are in place.

8. Further information

Further information on child protection and welfare is available from the Donegal County Council Child Protection Liaison Officer(s) or from TUSLA and from the Department of Health.

Appendix I

Contact Details for Child Protection Liaison Officers

Name	Address	Phone No. & Email
Paddy Mullen Facilities Management	Donegal County Council Public Service Centre Neil T. Blaney Road Letterkenny Co. Donegal. F92 TNY3	087 2332261 or 074 91 94254 paddy.mullen@donegalcoco.ie
Frances Crampsie Cultural services	Donegal County Council Central Library Oliver Plunkett Road Letterkenny Co. Donegal F92 R273	074 91 24950 frances.crampsie@donegalcoco.ie
Una Cresswell Housing and Corporate Services	Donegal County Council Public Service Centre Malin Road Carndonagh Co. Donegal F93 YV1N	074 93 73706 una.cresswell@donegalcoco.ie
Bernadette Quinn HR	Donegal County Council 3 Rivers Centre Station Road Lifford Co. Donegal F93 PN3H	074 91 72357 bquinn@donegalcoco.ie

Appendix II



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Donegal County Council Child Protection and Vulnerable Adult Incident Report Form

- This form should be completed by a staff member in the event of an incident concerning a child occurring in the work area.
- This form should be sent either by email or hard copy to one of the designated Child Protection Liaison Officers as listed overleaf. Please clearly mark as private and confidential on subject line of email or on envelope accordingly.
- Any additional information or supporting evidence should be attached to this form.

Date of Incident:	Time of Incident:
Location of Incident:	
Event/Activity (if relevant):	
Details of Incident:	
Staff Signature:	
Date:	
Child/Children's or Vulnerable Adult Details (if available)	Witness Details (if relevant)
Name: _____	Name _____
Address: _____	Address: _____
Tel: _____	Tel: _____

Appendix III

Guidance on Categories of Child Abuse

- 1. Recognition 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.

- 2. Neglect

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults and medical care. Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by his/her health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

- 3. Signs and Symptoms of Child Neglect

A distinction can be made between "wilful" neglect and "circumstantial" neglect. For instance, "wilful" neglect would generally incorporate a direct and deliberate deprivation by a parent/guardian of a child's most basic needs e.g. withdrawal of food, shelter, warmth, clothing, contact with others, whereas "circumstantial" neglect more often may be due to stress/inability to cope by parents or guardians.

Child neglect may be suspected in cases of:

- Abandonment or desertion
- Children persistently being left alone without adequate care and supervision
- Malnourishment, lacking food, inappropriate food or erratic feeding
- Lack of warmth or adequate clothing
- 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
- Non-organic failure to thrive i.e. child not gaining weight not alone due to malnutrition but also due to emotional deprivation
- Failure to provide adequate care for the child's medical problems
- Exploited, overworked

- 4. Emotional Abuse

Emotional abuse is normally to be found in the relationship between a care-giver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples of emotional abuse of children include:

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

The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/guardian.

- 5. Signs and Symptoms of Emotional Child Abuse

Emotional abuse is not easy to recognise because the effects are not easily observable. Emotional abuse can be defined in reference to the following indices. However, it should be noted that no one indicator is conclusive of emotional abuse.

- Rejection
- Lack of praise and encouragement
- 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)
- Serious over-protectiveness
- Inappropriate non-physical punishment (e.g. locking in bedrooms)
- Family conflicts and/or violence
- Every child who is abused sexually, physically or neglected is also emotionally abused
- Inappropriate expectations of a child's behaviour - relative to his/her age and stage of development.

- 6. Physical Abuse

Physical abuse is any form of non-accidental injury or injury which results from wilful or neglectful failure to protect a child. Examples of physical injury include the following:

- shaking
- use of excessive force in handling
- deliberate poisoning
- suffocation
- Munchausen's Syndrome by Proxy
- Allowing or creating a substantial risk of significant harm to a child.

- 7. Signs and Symptoms of Physical Abuse

Unsatisfactory explanations or varying explanations for the following events are highly suspicious:

- Bruises
- Fractures
- Swollen joints
- Burns/Scalds(see below for more detail)
- Abrasions/Lacerations
- Hemorrhages (retinal, subdural)
- Damage to body organs
- Poisonings - repeated (prescribed drugs, alcohol)
- Failure to thrive
- Coma/Unconsciousness
- Death

- 8. Sexual Abuse

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

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

Sexual exploitation of a child includes inciting, encouraging propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the “grooming” process by perpetrators of abuse. For the purposes of the criminal law, the age of consent to sexual intercourse is 17 years. This means, for example, that sexual intercourse between a 16 year-old girl and her 17 year-old boyfriend is illegal, although it might not be regarded as constituting child sexual abuse.

- 9. Signs and Symptoms of Child Sexual Abuse

Guardians and professionals should be alert to the following physical and behavioural signs:

- Bleeding from the vagina/anus
- Difficulty/pain in passing urine/faeces
- An infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease. Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area.
- Noticeable and uncharacteristic change of behaviour
- Hints about sexual activity
- Age - inappropriate understanding of sexual behaviour
- Inappropriate seductive behaviour
- Sexually aggressive behaviour with others
- Uncharacteristic sexual play with peers/toys
- Unusual reluctance to join in normal activities which involve undressing, e.g. games/swimming

Particular behavioural signs and emotional problems suggestive of child abuse in young children (0-10 yrs):

- Mood change, e.g. child becomes withdrawn, fearful, acting out;
- Lack of concentration (change in school performance)
- Bed wetting, soiling
- Psychosomatic complaints; pains, headaches
- Skin disorders
- Nightmares, changes in sleep patterns
- School refusal
- Separation anxiety
- Loss of appetite
- Isolation

Particular behavioural signs and emotional problems suggestive of child abuse in older children (10 yrs +):

- Mood change, e.g. depression, failure to communicate
- Running away
- Drug, alcohol, solvent abuse
- Self mutilation
- Suicide attempts
- Delinquency
- Truancy
- Eating disorders
- Isolation

Appendix IV

Contact details for TUSLA social workers in the Donegal Community Care Area

Duty Social Worker

Donegal Town	Letterkenny	Buncrana
Duty Social Worker Phone: 074 9721074 Hours: 2 – 5pm Mon-Fri.	Duty Social Worker Millennium Court Pearse Rd Letterkenny Phone: 074 9123676/23770 Hours: 2 – 5pm Mon-Fri.	Duty Social Worker Phone:074 9361044/20420 Hours: 2 – 5pm Mon-Fri.
Completed Reporting Form should be sent to:	Mr Michael Gallagher Principal Social Worker Garden Centre Complex St. Conal's Hospital Letterkenny Phone: 074 9122322	

TUSLA: List of Duty Social Work Contact Details

TUSLA West - Duty Social Work Services		
Donegal	East Team, Links Business Centre Lisfannon Buncrana Co Donegal	Tel: 074 9320420 Fax: 074 9320419
	West Team Euro House Killybegs Road Donegal Town	Tel: 074 9723540 Fax: 074 9723489
	East Central and West Central Team Social Work Department Millennium Court Pearse Road Letterkenny, Co Donegal	Tel: 074 9123672 Fax: 074 9123697 Tel: 074 9123770 Fax: 074 9123697

Appendix V

Children First – National Guidelines for the Protection and Welfare of Children

Chapter Twelve

Allegations of Abuse against Employees and Volunteers

12.1 Purpose

This chapter provides guidance to employers in a situation where an allegation of abuse is made against an employee. In this context, employees also include unpaid volunteers as well as foster-parents. Employers may encompass disability organisations, schools, crèches or nongovernmental organisations such as sports clubs. The guidelines are offered to assist managers in having due regard for the rights and interests of the child on the one hand and those of the employee against whom the allegation is made on the other hand. Employers have a dual responsibility in respect of both the child and the employee. All employers should have agreed procedures to address situations where allegations of child abuse are made against an employee.

12.2 General Procedures

12.2.1 It is important to note that there are two procedures to be followed here:

- (i) The reporting procedure in respect of the child;
- (ii) The procedure for dealing with the employee.

In general it is recommended that the same person should not have responsibility for dealing with both the reporting issues and the employment issues. It is preferable to separate these issues and manage them independently. These procedures should be followed in the event of suspicion or disclosure of abuse against an employee.

12.2.2 Staff/volunteers may be subjected to erroneous or malicious allegations.

Therefore any allegation of abuse should be dealt with sensitively and support provided for staff including counselling where necessary. However, the primary goal is to protect the child while taking care to treat the employee fairly.

12.3 Guidance on Reporting

12.3.1 All organisations providing services to children should have clear written procedures on the action to be taken if allegations of abuse against employees are received. Guidance should be provided for both children and staff/volunteers on how to report suspected abuse. The need for awareness and to report concerns should be reinforced through training and supervision.

12.3.2 Employers should ensure that children and staff are aware of internal line management reporting procedures. Employees should also be aware of the appropriate authorities to whom they should report outside the organisation if they are inhibited for any reason in reporting the incident internally or where they are dissatisfied with the internal response.

12.4 Employer's Responsibility to Report to Statutory Authorities

12.4.1 Where an employer becomes aware of an allegation of abuse by an employee the standard procedure for reporting allegations to the health board should be followed without delay (see Chapter Four). Health Boards should have their own internal reporting procedures in place in regard to allegations made against their employees.

12.4.2 Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed reasonably and in good faith. When an allegation is received it should be assessed promptly and carefully. It will be necessary to decide whether a formal report should be made to the health board; this decision should be based on reasonable grounds for concern as outlined in Chapter Four.

12.4.3 When an employer becomes aware of an allegation of abuse of a child or children by an employee during the execution of that employee's duties, the employer should privately inform the employee of the following:

- (i) The fact that an allegation has been made against him/her;
- (ii) The nature of the allegation.

The employee should be afforded an opportunity to respond. The employer should note the response and pass on this information when making the formal report to the health board.

12.4.4 Organisations as well as individuals may avail of the immunity from civil liability provided in the Protections for Persons Reporting Child Abuse Act, 1998 provided they report "reasonably and in good faith" to the appropriate authorities. Section 3(1) of the Act states:

"3.(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that

- (a) A child has been or is being assaulted, ill-treated, neglected or sexually abused, or

- (b) A child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person"

12.5 Procedures for Dealing with Employees and Employer's Duty of Care to Children

12.5.1 When an allegation is made against an employee, the following steps should be taken:

(i) Action should be guided by the agreed procedures, the applicable employment contract and the rules of natural justice.

(ii) The Chairperson (or equivalent head of organisation) should be informed as soon as possible.

(iii) The first priority should be to ensure that no child is exposed to unnecessary risk. The employer should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children. Where protective measures do penalise the employee, it is important that early consideration be given to the case.

(iv) The follow up on an allegation of abuse against an employee should be made in consultation with the health board and An Garda Síochána. An immediate meeting should be arranged with these two agencies for this purpose.

(v) After these consultations referred to above and when pursuing the question of the future position of the employee, the Chairperson (or equivalent head of organisation) should advise the person accused of the allegation and the agreed procedures should be followed.

(vi) Employers/Managers should take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by the health board or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

12.6 Guidance for Health Boards

12.6.1 Health boards will regularly receive allegations of abuse against people who have contact with children in their workplace or in a sports or youth club. If the health board considers that children are, or may be, at risk from the alleged abuser, they should contact the institution or employer immediately. In this situation it is not necessary to notify the alleged abuser in advance of the allegations against him or her.

12.6.2 Where a health board proposes to notify an alleged abuser's employer or person-in-charge of a club where (s)he attends, and where there is no immediate danger to children, the alleged abuser must be notified in advance of the allegations against him/her. The approach to an employer/person-in-charge in such cases may take place at

any stage in the wider investigation and it may be practical that such an approach does not take place until any criminal or health board investigation has concluded.

12.6.3 Health boards should put arrangements in place to provide feedback to employers/persons-in-charge in regard to the progress of a child abuse investigation involving an employee. Efforts should be made by health boards to investigate complaints against employees promptly and to complete their assessment as quickly as possible bearing in mind the serious implications for the innocent employee. Employers/persons-in-charge should be notified of the outcome of an investigation. The health board should pass on reports and records to the employer and to the employee in question where appropriate. This will assist the employer/person-in-charge in reaching a decision as to the action to be taken in the longer term concerning the employee.

Children First Information and Advice Officer, Co. Donegal

Name	Area	Contact Address	Contact Numbers
Noreen Herron	TUSLA West Sligo, Leitrim, Donegal, Cavan	Markievicz House, Barrack Street, Sligo	Phone: (071) 9155181 Fax No: (071) 9155131 noreen.herron@TUSLA.ie

Appendix VI

Key Legislative Provisions and National Guidelines

- The Child Care Act 1991
- The Domestic Violence Act 1996
- Protection for Persons Reporting Child Abuse Act 1998
- The Data Protection Acts 1988 - 2003
- The Education Act 1998
- The Non-Fatal Offences Against the Person Act 1997
- The Freedom of Information Acts 1997 – 2003
- The Equal Status Acts 2000-2004
- Children First National Guidelines for the Protection and Welfare of Children
Department of Health and Children, September 1999
- Our Duty to Care, The principles of good practice for the protection of children
And young people Department of Health and Children, 2002
- Our Duty to Care, The principles of good practice for the protection of children
and young people
-
- Department of Health and Children, 2002

Appendix VII

List of areas in Donegal County Council with regular contact with children**

- All Library posts
- Park Employees
- School Wardens
- Road Safety Officer
- Arts Officers
- Housing Staff (Housing and Maintenance)
- Litter Wardens
- Dog Wardens
- Fire Service (particularly those involved in visiting schools)
- Caretakers, including Public Conveniences caretakers
- Sports Centres
- Museum employees
- Environmental Schools Programme
- Income Collectors
- Community Liaison Officers
- RAPID Co-Coordinator
- Community and Enterprise Officers
- Civil Defence (employees and volunteers)
- Lifeguards
- Comhairle na nÓg (employees and volunteers)
- Junior Achievement (employees and volunteers)
- Volunteers engaged in a range of activities
- Playground Inspectors
- Environment/Coastal Officer

** Please note that list is non-exhaustive and the Council must assess each post for relevance of the Child Protection Policy