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# **Crawford Art Gallery**

## **CHILD PROTECTION POLICY**

**2018**

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## 1. Policy Statement

### 1.1 Basis of the Policy

The Crawford Art Gallery, 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 will adhere to the recommendations of *Children First: National Guidelines for the Protection and Welfare of Children (2011)* and the *Children's First Act (2015)*, published by the Department of Health and Children. The Crawford's intends to ensure that young people are protected from harm on the premises.

The welfare of every child who visits the CAG is paramount. Children have the right to be protected, treated with respect, listened to and have their views taken into consideration. All children should be able to participate in a safe environment protected from harm. This is the responsibility of staff, who come in contact with children on the premises. For the purpose of this document, unless otherwise stated "staff" also includes facilitators and volunteers. The highest possible standards of care will be provided, knowing all reasonable precautions to prevent harm occurring have been taken.

The CAG wishes to give consideration to both the rights of children and the rights of adults while seeking to protect both groups in their association and work with each other. Any previous convictions or cautions in relation to abuse or violence involving young people will impact on our employment decisions.

### 1.2 Who is the policy for?

The CAG Child Protection Policy (the policy) procedures are derived from and consistent with the current *Children First: National Guidance (2011)* document and the *Children First Act (2015)*. The policy is for all permanent, contract, and freelance staff including facilitators, as well as volunteers. All staff are obliged to be familiar with the policy, and all have access to the full document.

All staff are subject to a Garda Vetting check, and facilitators **must sign a declaration that they have never been convicted of a criminal offence or been the subject of a caution or a bound over order.** Visitors to the CAG also have access to the policy in hard copy at the bookshop, the Human Resources department & and the Education department. A copy is also on the CAG website.

### Aim and purpose of the policy

The policy states that staff have a duty to report concerns over safety and welfare of children. Any suspicions or allegations of abuse will be taken seriously and responded to swiftly and appropriately. It sets guidelines and procedures for staff to follow if they have reasonable grounds for concern about the safety and welfare of children that they come into contact with.

The definition of a child in Ireland is anyone under 18 years of age (Child Care Act 1991). The policy also sets clear guidelines and procedures on action to be taken if allegations of abuse are made against staff or volunteers. The CAG is committed to ensure that all documentation in relation to record-keeping of child protection and welfare concerns is securely filed.

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#### 1.4 Policy review

The policy will be reviewed by Crawford management, HR and designated liaison person every two years or more frequently, if required.

## 2. Definitions of Abuse

### 2.1 Definitions of child abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse.

### 2.2 Definition of '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/or medical care.

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

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

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

### 2.3 Definition of 'emotional abuse'

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

#### Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- emotional unavailability of the child's parent/carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- premature imposition of responsibility on the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;

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- under- or over-protection of the child
- failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

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

#### **2.4 Definition of 'physical abuse'**

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

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- allowing or creating a substantial risk of significant harm to a child.

#### **2.5 Definition of '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:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal;
- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes,

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of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse;

- consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

## 2.6 Signs and Symptoms of Abuse

The signs and symptoms of abuse may not always be visible to people working with children at the CAG. For further details on the signs and symptoms of child abuse, please see *Children First: National Guidance for the Protection and Welfare of Children*, Appendix 5.

<https://www.dcy.gov.ie/documents/publications/20171002ChildrenFirst2017.pdf>

## 3. Designated Liaison Person

**3.1** The Designated Liaison Person responsible for dealing with child protection and welfare concerns for the CAG is:

**Anne Boddaert** can be contacted at:  
Education and Exhibitions’ Office  
Crawford Art Gallery  
Emmet Place  
Cork  
021 4907857 / [anneboddaert@crawfordartgallery.ie](mailto:anneboddaert@crawfordartgallery.ie)

**Emma Klemencic** has been designated as deputy to Anne Boddaert and can be contacted at:  
Education and Exhibitions’ Office  
Crawford Art Gallery  
Emmet Place  
Cork  
021 4907862 / [emmaklemencic@crawfordartgallery.ie](mailto:emmaklemencic@crawfordartgallery.ie)

In case of emergency only – 087 7650016

**3.2 The Designated Liaison Person** is responsible for ensuring that the standard reporting procedures, as detailed in this policy, are followed.

**Staff are advised however to make themselves familiar with the content of the [Information Sheet for Mandated Persons](#) and the [HSE Procedure for Reporting Child Protection and Welfare Concerns](#) as they have been updated to reflect the content that was added to the revised e-learning module. See links below:**

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<https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/mandated-persons.pdf>  
<https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/hsestaffreportingprocedures.pdf>

## 4. Code of Behaviour between Employees and Children

**4.1** CAG staff must act in accordance with the Child Protection Policy, behave respectfully towards children at all times and maintain the standards of behaviour that are expected of them.

**4.2** The CAG is committed to treat all children equally in line with the Equal Status Acts 2000 – 2004. We believe that children should be listened to, valued and respected as individuals and should be involved in decision making, as appropriate.

**4.3** For the protection of all concerned, staff must never:

- Engage in rough, physical games including horseplay with children; Employees should be sensitive to the risks involved in such activities.
- Allow or engage in inappropriate touching of any kind. While physical contact is a valid way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons concerned. Touch should always be in response to the child's need and should always be appropriate to the age and stage of development of the child.
- Be verbally abusive to a child, nor should they tell jokes of a sexual nature in the presence of children.
- Physically restrain a child or young person unless the restraint is to: Prevent physical injury of the child/other children/visitors or staff/yourself; Prevent damage to valuable property; Prevent or stop a criminal offence. In all circumstances, physical restraint must be appropriate and reasonable; otherwise the act of restraint could be defined as assault.
- Do things of a personal nature for children that they can do for themselves or that their parent/leader can do for them. Employees should be sensitive to the possibility of developing favouritism or becoming over involved or spending a great deal of time with any one child.

**4.4** It is recommended, except in emergency situations, that staff do not:

- Travel alone with children or young people
- Go into a toilet cubicle with children unless another adult is present or gives permission (this may include a parent, member of staff or group leader)
- Spend time alone with a child on his/her own. If you find yourself in a situation where you are alone with a child, ensure that you can be clearly observed or seen by others.

**4.5** All CAG activities involving children are subject to a maximum adult: child ratio of 1:15. Staff must adhere to this ratio at all times.

**4.6** Should any CAG staff have concerns about a colleague's behaviour with regards to a child, they must follow the procedures laid out in this policy for reporting their concerns.

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4.7 Physical chastisement of children by a parent or accompanying adult will not be tolerated in the Crawford Art Gallery.

## 5. Reporting Procedures

### 5.1 Recognising child protection or welfare concerns

Child neglect or abuse can often be difficult to identify and may present in many forms. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

### 5.2 What constitutes reasonable grounds for a child protection or welfare concern?

An injury or behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse.

- Consistent indication over a period of time that a child is suffering from emotional or physical neglect.
- Admission or indication by someone of an alleged abuse.
- A specific indication from a child that he or she was abused.
- An account from a person who saw the child being abused.
- Evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to have been caused in any other way.

### 5.3 Dealing with disclosures

If a child hints at or tells a staff member 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
- Don't ask leading questions or details, or make suggestions
- Don't stop the child recalling significant events, but don't make him or her repeat the story unnecessarily
- Reassure the child, but don't promise to keep it a secret
- Explain what needs to be done next
- Record the discussion as carefully as possible

### 5.4 Procedures for reporting a case of suspected or alleged child abuse

**If you identify a child at risk of harm you must act. Any member of staff who:**

- Suspects a child has been or is at risk of being abused, or
- Has had a disclosure made to them, or
- Receives a complaint from a member of the public relating to child protection issues in the CAG, or
- Has a direct allegation made against them must report the matter to the designated Liaison Person/Deputy or the most senior person on site at the time of the incident. If DLP or Deputy LP is not available please report the matter to Head of Operations or HR Dept.

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### 5.5 Reporting Procedure

The following procedure should be followed:

You should contact the designated liaison person, who should make a referral to the Child and Family Agency's Social Work Service by using the Child Protection & Welfare Form (CPWRF) (<http://www.tusla.ie/services/child-protection-welfare/publications-and-forms>).

If you believe the concern is urgent and that there is imminent risk to a child, make the report by telephone and then follow it up with the completed form.

### 5.6 Consulting with Duty Social Worker in the TUSLA

Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with the Child and Family Agency. (see Tusla's Duty Social Works Contacts in Appendix 7)

### 5.7 Emergencies

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

### 5.8 Informing parents/carers

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

### 5.9 Reporting without delays

Reports must be made without delay to the TUSLA Children and Families Services. It is important to establish the grounds for concern by obtaining as much information as possible.

Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

### 5.10 Potential risks to children

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the Child and Family Agency.

### 5.11 Consequences of Failure to Report

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children. It states: 'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by:

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.'

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

**5.12 Legal Protection**

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse ‘reasonably and in good faith’ to designated officers of the TUSLA or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report.

**5.13 Recording concerns that may not initially need to be reported to the TUSLA**

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

However, these suspicions should be recorded or noted internally in the CAG and kept by the designated liaison person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for the statutory child protection agency or An Garda Síochána.

If the designated liaison person, on behalf of the CAG, decides that reasonable grounds for reporting the incident or suspicion to the health board or An Garda Síochána do not exist, the individual worker who referred the matter should be given a clear written statement of the reasons why the CAG is not taking action.

Staff are advised that, if they remain concerned about the situation, they are free to consult with, or report to, the health board or An Garda Síochána themselves. The provisions of the Protections for Persons Reporting Child Abuse Act, 1998 apply once they report “reasonably and in good faith”.

**5.14 Processes to deal with and report retrospective disclosures of child abuse by adults**

If a disclosure is made to a staff member by an adult who suffered abuse as a child, it is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the staff member should report the allegation to the Child and Family Agency without delay.

The TUSLA National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is available free of charge on Freephone: 1800 670 700.

**5.15 Third Party Concerns**

Concerns about a child that are reported anonymously should be followed up fully in accordance with TUSLA standard procedures. If the report has been made through a third party, the person mediating should be requested to facilitate contact between the original person who reported the concern and

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the Child and Family Agency. If, however, contact is not facilitated, for whatever reason, the concerns reported via the third party must be fully investigated.

## **6. Complaints Procedure for Employees / Parents / Children**

If a member of staff, a parent or child has any complaints with how the CAG's Child Protection Policy is being implemented or if it is perceived that the Code of Practice has been breached by a member of staff, a complaint can be made, preferably in writing, to one of the CAG's designated liaison persons.

In the case of a complaint by a child, this can be done orally to any member of staff who will then contact the designated liaison person in writing regarding the particulars of the complaint.

The complaint will be handled by the designated liaison person who will consult with HR and/or TUSLA as necessary. The complaint will be dealt with promptly and sensitively and complainants will be kept informed at all stages of the process.

Appropriate training will be provided for all CAG personnel in the correct handling of complaints and in our agreed policies and procedures.

## **7. Accidents / Incidents Procedure**

**7.1 The CAG displays emergency numbers in the Bookshop, Education Department & central Notice Board.**

**7.2** There are a number of staff throughout the CAG trained in first aid, and there are a number of fully-stocked first aid boxes positioned around the CAG. In the bookshop, HR Department and Education Room.

**7.3** In the event of an accident or incident a First Aid Officer is summoned in the first instance and takes control of the scene and a Safety Incident Report is completed in accordance with the **CAG Safety Incident Reporting Procedure**.

**7.4** The CAG is appropriately insured.

**7.5** Children are not permitted in Crawford Art Gallery unless accompanied by an adult. Parents are not permitted to leave a child unattended at a workshop without leaving a contact phone number. If a child leaves a workshop unannounced, the tutor should alert the security team and call the parent immediately.

**7.6** What to do if you have a concern that a child is missing:

A child that has not been seen for two days is considered to be missing. However, staff in the CAG can find that a child on a tour or participating in a workshop has temporarily gone missing.

- Child missing from a tour: Ensure the rest of the group are under adult supervision (this should always be the case according to the tour rules) and alert the security team.

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- Child missing from a workshop: Parents are not permitted to leave a child unattended at a workshop without leaving a contact phone number. If a child leaves a workshop unannounced, the tutor should alert the security team and call the parent immediately.

## 8. CONFIDENTIALITY

**8.1** The Crawford Art Gallery understands that the effective protection of a child depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant information. Therefore, where child protection and welfare concerns arise, all information must be shared on a 'need to know' basis in the best interest of the child.

**8.2** No staff member can give any undertakings regarding secrecy and this should be made clear to all involved, although they can be assured that all information will be handled taking full account of legal requirements. Sharing information with statutory agencies for the protection of a child does not constitute a breach of confidentiality or data protection.

**8.3** Crawford Art Gallery recognises that parents and children have a right to know if personal information is being shared, unless doing so could put the child involved at further risk.

**8.4** Crawford Art Gallery is committed to attending and sharing information, as required, at formal child protection and welfare meetings as organised by the Child and Family Agency.

## 9. Recruitment

Crawford Art Gallery adopts the Public Appointments Service principles of fairness, transparency and parity when recruiting all candidates, employees, interns, volunteers and freelancers ('persons'). In all cases, each 'person' will be requested to provide the Crawford Art Gallery with proof of identity (copy of passport). The 'person' must complete and sign a contract of employment (or related services agreement) along with relevant commencement forms which include a Garda Vetting Form. Each person must also confirm their compliance with the CAG Child Protection Policy.

**Department of Culture Heritage & Gaeltacht's, as a registered organisation, administer all Garda Vetting on behalf of the Crawford Art Gallery.** If Garda Vetting is not to the satisfaction of Crawford Art Gallery, a contract or agreements may be revoked.

There is provision on the Garda Vetting Form to review a 'person' if a disclosure is made. There may be some specific requirements that might exclude a person from working in the organisation depending on the role advertised. Specific job duties and responsibilities are detailed in the job description.

All staff will participate in recognised and appropriate Child Protection Training where necessary.

## 10. Safe Management of Employees

The Crawford Art Gallery ensures there is sufficient supervision and support available for all.

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## **11. Procedure for Allegations of Abuse Against Employees**

In the event of allegations being made against an employee, or if suspects another member of staff of inappropriate behaviour towards or abuse of a child, the protection of the child/young person is the first and paramount consideration. The first priority is to ensure that no child is exposed to unnecessary risk. The Crawford Art Gallery should as a matter of urgency take any necessary protective measures (Appendix 11). The measures should be proportionate to the level of risk and should not unreasonably penalise the staff member, financially or otherwise, unless necessary to protect children. Where protective measures penalise the staff member, it is important that early consideration be given to the case.

Where there is a complaint of abuse against a member of staff, procedures will take on two strands. The reporting of the child abuse will be the same as Section 5 above (staff member → Designated Liaison Person → Child and Family Agency). However, there will also be an investigation into the alleged abuse.

There may be three investigations:

- an internal investigation
- an investigation by the Child and Family Agency investigation
- and possibly a criminal investigation by the Gardaí.

All investigations will be carried out in accordance with the CAG Investigation Policy. If from the initial investigation a disciplinary is deemed appropriate, all investigations will be carried out in accordance with the CAG Disciplinary procedures.

Malicious Claims: If it is found that a malicious claim has been made by a member of the public, the case will be referred to the necessary authorities. If it is found that a malicious claim has been made by a staff member, the disciplinary process will be invoked and any necessary action will be taken as appropriate.

All records relating to allegations against staff will be kept secure by the Crawford Art Gallery Head of Operations & HR Dept.

## **12. CAG Community Engagement & Outreach Work**

In situations where Crawford Art Gallery staff are interacting with children offsite, there should always be a discussion and exchange of child protection and welfare policies between our organization and the host venue.

When working offsite, Crawford Art Gallery staff should always adhere to the same code of behaviour and reporting procedures and policies as set out in this document.

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## Appendices

### **Appendix 1: A written description outlining the nature and type of our service**

The CRAWFORD ART GALLERY (CAG) is a national cultural institution dedicated to the visual arts, both historic and contemporary. The permanent collection ranges from eighteenth century Irish and European painting and sculpture, through to video installation.

Funded by the DCHG, the CAG provides free access to its public 7 days a week. The CAG focuses on a visitor-centered approach that views the provision and display of a world class collection together with excellence of service and operation as the goal of the institution.

### **Appendix 2: Reference to key legislation in relation to child protection and welfare**

Practitioners should always check relevant legislation, case law, regulations and standards, and consider the legal context of the case at <http://www.irishstatutebook.ie>

#### **CHILD CARE ACT 1991**

This Act provides the statutory basis for the TUSLA's responsibilities to promote the welfare of children. <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html>

#### **CHILDREN ACT 2001**

The Children Act 2001 provides a framework for the juvenile justice system and also provides protection for children against persons who have the custody, charge or care of them. [https://www.dcy.gov.ie/docs/The\\_Children\\_Act\\_2001/166.htm](https://www.dcy.gov.ie/docs/The_Children_Act_2001/166.htm)  
<http://www.irishstatutebook.ie/eli/2001/act/24/enacted/en/html>

#### **CHILD CARE (AMENDMENT) ACT 2011**

The Child Care Amendment Act 2011 was passed at the end of July 2011. It gives the High Court statutory authority to deal with applications to detain children in Special Care. It sets out a comprehensive framework for those applications, as well as detailing the interaction of Special Care Orders with Criminal Courts dealing with children's cases. In particular, it sets out that the TUSLA is not prevented from applying for a Special Care Order where a child is charged with a criminal offence. <http://www.irishstatutebook.ie/eli/2015/act/45/enacted/en/html>

#### **CHILDREN FIRST ACT 2015**

The Children First Act was passed in November 2015. The purpose of the act is to make "further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, of child safeguarding statements; to require certain persons to make reports to the Child and Family agency in respect of certain circumstances". [https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren\\_First%2FChildrenFirstLegislation.htm](https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren_First%2FChildrenFirstLegislation.htm)

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**Appendix 3: Reference to the Protections for Persons Reporting Child Abuse Act, 1998**

<http://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/print.html>

The main provisions of this Act are:

- The provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith'.
- The provision of significant protections for employees who report child abuse.
- The creation of a new offence of false reporting of child abuse when a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence designed to protect innocent people from malicious reports.

Note: Persons reporting abuse in good faith and in the child's best interests may also be protected under common law, using 'qualified privilege'. (Children First, 2009)

**Appendix 4: Best practice principles in relation to child protection and welfare**

Principles, Aims and Use of '*Children First: National Guidance*'

[https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren\\_First%2FChildrenFirstGuidance.htm](https://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren_First%2FChildrenFirstGuidance.htm)

**Key principles of best practice in child protection and welfare**

The key principles that should inform best practice in child protection and welfare are:

- The welfare of children is of paramount importance.
- Early intervention and support should be available to promote the welfare of children and families, particularly where they are vulnerable or at risk of not receiving adequate care or protection. Family support should form the basis of early intervention and preventative interventions.
- A proper balance must be struck between protecting children and respecting the rights and needs of parents/carers and families. Where there is conflict, the child's welfare must come first.
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives. Where there are concerns about a child's welfare, there should be opportunities provided for their views to be heard independently of their parents/carers.
- Parents/carers have a right to respect and should be consulted and involved in matters that concern their family.
- Factors such as the child's family circumstances, gender, age, stage of development, religion, culture and race should be considered when taking protective action. Intervention should not deal with the child in isolation; the child's circumstances must be understood within a family context.
- The criminal dimension of any action must not be ignored.
- Children should only be separated from parents/carers when alternative means of protecting them have been exhausted. Re-union should be considered in the context of planning for the child's future.
- The prevention, detection and treatment of child abuse or neglect requires a coordinated multidisciplinary approach, effective management, clarity of responsibility and training of personnel in organisations working with children.
- Professionals and agencies working with adults who for a range of reasons may have serious difficulties meeting their children's basic needs for safety and security should always



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	<p><b>Bridewell Garda Station</b> Kyril's Street Cork City.</p> <p><b>Watercourse Road Garda Station</b> Watercourse Road Cork</p>	<p><u><b>(021) 494 3330</b></u></p> <p><u><b>(021) 455 8260</b></u></p>
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**Appendix 9: National Counselling Service Number**

The TUSLA National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is available free of charge on Freephone: 1800 477 477.

TUSLA South (Cork & Kerry) 1800 234 116

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**Appendix 10: Employee / Volunteer Declaration Forms**



An Garda Síochána Use Only Reference No.:
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**An Garda Síochána *GARDA VETTING APPLICATION FORM***

NOTE TO APPLICANT

- *The Enquiry Form must be completed in full using BLOCK CAPITALS (Please state N/A if details are not applicable)*
- *Writing must be clear and legible*
- *Return the completed form to Department of Culture, Heritage and the Gaeltacht, Personnel Unit, Room 307, 23 Kildare Street, Dublin 2.*  
*Do not send this form to The Garda Central Vetting Unit or to any Garda Station*

To be completed by the Applicant

SURNAME:				PREVIOUS NAME (if any):			
FORENAME:				ALIAS:			
DATE OF BIRTH:(dd/mm/yy)				PLACE/CITY OF ORIGIN:			
HAVE YOU EVER CHANGED YOUR NAME?				Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
IF YES PLEASE STATE FORMER NAME:							
Please state all addresses from year of birth to present date							
House No.	Street	Town	County	Post Code	Country	Year From	Year To

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Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?

No  Yes  Please provide details

DATE	COURT	OFFENCE	COURT OUTCOME

**DECLARATION OF APPLICANT**

I, the undersigned who have applied for a position/is volunteering/working freelance hereby authorise An Garda Síochána to furnish to the **Crawford Art Gallery** a statement that there are no convictions recorded against me in the Republic of Ireland or elsewhere, or a statement of all convictions and / or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
 ( )

***To be completed by Crawford Art Gallery only***

Authorised Signatory: \_\_\_\_\_ (Crawford Art Gallery)  
 PLEASE PRINT ALSO ( )

Registration Number: \_\_\_\_\_ Date: \_\_\_\_\_

***To be completed by the Garda Central Vetting Unit***

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According to Garda records there are no previous convictions recorded against the above-named applicant:

**OR** the attached convictions appear on Garda Records:

**OR** the attached prosecutions are pending:

**NOTE:** Checks were carried out by this office based on the information supplied.

The convictions supplied may apply to the subject of your enquiry. Please verify information disclosed with the applicant.

Signed: \_\_\_\_\_ Member I/C

**G.C.V.U.**

**Appendix 11: Allegation against staff member; Protective Measures**

Pending the outcome of the investigation, the CAG will take whatever protective measures necessary to ensure that children are not exposed to unacceptable risk. These protective measures are not disciplinary measures, and may include:

- Providing an appropriate level of supervision;
- Re-assigning duties where the accused will not have contact with children/ young people;
- Putting the staff member off duty with pay.

Putting the staff member off duty pending the outcome of the investigation should be reserved for exceptional circumstances. It should be explained to the staff member concerned that the decision to put him/her off duty is a precautionary measure and not a disciplinary sanction.

The views of the staff member concerned will be taken into consideration when determining the appropriate protective measures to take. However, the final decision will rest with the Director of the CAG.

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**Approval / Revision History**

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<b>Document Number:</b>	006A
<b>Author:</b>	Norma Cuddihy
<b>Reviewed by:</b>	Audit & Risk SCM 15.03.2018
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<u>Revisions</u>	<u>Date</u>	<u>Change</u>