

Clonmel Arts Festival

Child Protection and Welfare Policy



Issue 1

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1. Introduction

Clonmel Arts Festival is committed to safeguarding the well-being of all the children and young people who may come into contact with our staff or volunteers. Our policy on child protection is in accordance with “Children First – National Guidance for the Protection and Welfare of Children” (Department of Children and Youth Affairs, 2011), the Children First Act 2015, with our Constitution and our general duty of care. We are committed to promoting the rights of the child to be protected, to be listened to and to have their own views taken into consideration.

2. Purpose

It is imperative that all Board members, employees and volunteers have an ability to recognise abuse as it can be defined in many ways. Definitions of abuse are outlined hereunder in Appendix 1.

3. Dealing with Child Protection and Welfare Concerns

All Board members, employees and volunteers of Clonmel Arts Festival will be made aware of and be familiar with the childcare services and child protection policy through in-house training and they will be required to sign up to the said policy.

We will appoint a “Designated Liaison Person” (DLP) to act as a liaison with outside agencies and a resource person to any Board member, staff member or volunteer who has child protection concerns. The Designated Liaison Person is responsible for reporting allegations or suspicions to the Child and Family Agency, Tusla, or An Garda Síochána. Clonmel Arts Festival has put in place a standard reporting procedure for dealing with disclosures, concerns or allegations of child abuse. For the purposes of our particular activities, our designated liaison person will be our Welfare Officer (WO).

4. Reporting procedure for dealing with concerns or allegations of child abuse

- 4.1 Any employee or volunteer who has received a disclosure of child abuse or who has concerns about a child should bring them to the attention of the Welfare Officer immediately.
- 4.2 Under no circumstances should a child be left in a situation that exposes him or her to harm or of risk to 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 Tusla, you should contact An Garda Síochána. This may be done through any Garda station.
- 4.3 Where the Welfare Officer considers that a child protection or welfare concern meets the **reasonable grounds for concern criteria** outlined in Section 5 below, then the WO can refer to Tusla.
- 4.4 A report to Tusla can be submitted by phone, by letter or by email. All required details can be found on www.tusla.ie. If the WO is unsure as to whether the incident reaches the required level of concern, then an informal conversation may be had with Tusla beforehand to determine if the report should be upgraded to formal status.
- 4.5 If a formal report is being lodged, then it will be helpful to include the following information:
 - The child’s name, address and age.
 - Names and addresses of parents or guardians.
 - Names, if known, of who has allegedly harmed the child.

- A detailed account of the grounds for concern, to include details of the allegations, dates of incidents, description of injuries, etc.
- Names of other children who may have some knowledge of the incident.
- Name of the school attended by the child.
- Name and details of the Welfare Officer making the report.

4.6 The Welfare Officer may not submit a report anonymously as to do so would not be in keeping with the requirements of the Act.

4.7 The WO, if having made a report or referral to Tusla, must inform the parents or guardian of the child concerned, unless to do so would be likely to endanger the child.

4.8 Should Clonmel Arts Festival decide not to take any further action on a report or allegation in relation to this legislation, then the Board must inform the person who made the disclosure, even if it is the Welfare Officer, in writing, as to why they acted as they did.

5.0 Reasonable Grounds for Concern

Examples of reasonable grounds for concern are:

- specific indication from the child that he/she was abused.
- an account by the person who saw the child being abused.
- evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused in another way.
- an injury or behaviour which is consistent with abuse and with an 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.

6.0 Guiding Principle in Reporting

- The safety and well-being of the child or young person must take priority.
- Reports should be made without delay to the Child and Family Agency, Tusla, or to the Local HSE office area where child resides.
- A suspicion, which is not supported by an objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

7.0 How to Handle a Report of Abuse by a Child / Young Person

In the event of a child / young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the employee / volunteer involved. In such circumstances, the employee / volunteer / WO should:

- React calmly.
- Listen carefully and attentively - take the young person seriously.
- Reassure the young person that they have taken the right action in talking to you.
- Do NOT promise to keep anything secret.
- Ask questions for clarification only. Do not ask leading questions (this is not an interview), but, rather receiving a disclosure from a child.

- Check back with the child/young person that what you have heard is correct and understood.
- Do not express any opinions about the alleged abuser.
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record.
- Ensure that the child / young person understands the procedures which will follow.
- Pass the information to the Welfare Officer - do not attempt to deal with the problem alone.
- Treat the information confidentially.

8.0 Role of the Welfare Officer (Designated Liaison Person)

The Welfare Officer in Clonmel Arts Festival has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented. The role of the Welfare Officer involves the following duties:

- To be familiar with “Children First”, National Guidance for the Protection and Welfare of Children and “Our Duty to Care”, the principles of good practice for the protection of children and young people and to have responsibility for the implementation and monitoring of the child protection and welfare policy.
- The Welfare Officer of Clonmel Arts Festival provides support to all involved parties who are dealing with / have dealt with a child protection concern or disclosure.
- To receive reports of alleged / suspected or actual child abuse and act on these in accordance with the guidelines.
- To ensure that training is provided for all new and existing staff in Clonmel Arts Festival on the child protection policy.
- To build a working relationship with the Child and Family Agency, Tusla, An Garda Síochána and other agencies, as appropriate.
- To ensure that supports are put in place for the young person, employees or volunteers in cases of allegations being made.
- To keep up to date and undertake relevant training on child protection policy and practice, in order to ensure the relevance and appropriateness of the Clonmel Arts Festival policy and procedures in this area.
- To review the Clonmel Arts Festival policy and procedures on child protection on an annual basis and amend as appropriate.
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues

9.0 Protection for Persons Reporting Child Abuse Act, 1988

Clonmel Arts Festival wishes to draw the attention of the staff and volunteers to this Act. The “Protection for Persons Reporting Child Abuse Act, 1998” provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to the HSE or An Garda Síochána. Section 3(1) of the Act states:

“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 child has been or is being assaulted, ill-treated, neglected or sexually abused, or

- 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.

10.0 Confidentiality

In matters of child abuse, an employee or volunteer should never promise to keep secret any information which is divulged. It should be explained to the child / young person that this information cannot be kept secret but only those who need to know in order to safeguard the child, will be told.

It is essential in reporting any case of alleged / suspected abuse that the principle of confidentiality applies. The information should only be shared on a "need to know" basis which means sharing information with persons who have a need to know in order to safeguard a child or young person and is not a breach of confidentiality and the number of people that need to be informed should be kept to a minimum. If an employee has any doubt as to whether a report should be made, he / she should consult with the Welfare Officer.

11.0 Allegations Against an Employee or Volunteer

Upon receipt of an allegation, the Welfare Officer will notify the Chairperson. If the allegation relates to the Chairperson, the Welfare Officer will notify the Vice Chairperson of the allegation. If the allegation relates to the Welfare Officer then the Deputy Welfare Officer will notify the Chairperson of the allegation.

If an allegation is made against an employee or volunteer, then the situation requires a two-part process, i.e. dealing with the allegation of abuse and dealing with the employee / volunteer. Where possible these two parts should be dealt with by two different people.

There are two different procedures that are followed:

- The reporting procedure in respect of the child:
 - The safety of the child is the first priority of Clonmel Arts Festival and all necessary measures will be taken to ensure that the child and other children / young people are safe.
 - The Welfare Officer will deal with the procedure involving the child / young person and the reporting to Tusla.
- The procedure for dealing with the worker:
 - The Welfare Officer and Chairperson will work in close co-operation with each other and with the HSE and An Garda Síochána.
 - If a formal report is being made, the Chairperson will notify the employee that an allegation has been made and what the nature of the allegation is. The employee has a right to respond to this and this response should be documented and retained. Furthermore, Clonmel Arts Festival will ensure that the principle of "natural justice" will apply whereby a person is considered innocent until proven otherwise.
 - The Chairperson will suspend the employee / volunteer with pay (where appropriate). In the case where the worker is not suspended the level of supervision of the worker will be increased.

- The Chairperson will liaise closely with the HSE / Tusla / An Garda Síochána to ensure that the actions taken by Clonmel Arts Festival will not undermine or frustrate any investigations.
- The protective measures which can be taken to ensure the safety of children and young people can include the following:
 - suspension of duties of the person accused,
 - re-assignment of duties where the accused will not have contact with children / young people,
 - working under increased supervision during the period of the investigation.

12.0 Guidelines for Board

The Board of Clonmel Arts Festival will ensure that (1) its members are fully aware of the legislation in this area and their responsibilities under that legislation, (2) all employees and volunteers are made fully aware of the legislation and its requirements and (3) that there is always an appointed Welfare Officer in place who will receive the training necessary to carry out the required duties.

The Board will further ensure that this legislation will be fully considered when recruiting any new staff members, that full briefings of the legislation will be included in volunteer induction and that the main points of the legislation are included in the Clonmel Arts Festival Operations Handbook.

13.0 Code of Behaviour

All Board members, employees and volunteers of Clonmel Arts Festival must make themselves aware of the organisation's good practice guidelines and must be familiar with this policy and sign up to it:

- Parents of children involved with our activities will be informed of our policy and procedures.
- Clonmel Arts Festival has appointed a Welfare Officer to deal with any complaints or issues arising which concern the safety or welfare of any child / young person. This person is properly trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse.
- Clonmel Arts Festival has put in place an anti-bullying policy. We will not tolerate any bullying behaviour by children / young people or adults and will deal with any incidents immediately in accordance with the anti-bullying policy when working with children and young people. Where bullying amounts to any form of abuse it will be treated as such and be recorded and reported as appropriate.
- Clonmel Arts Festival staff and volunteers will show respect and understanding for the rights, safety and welfare of children and young people.
- Clonmel Arts Festival has put in place all required policies and reporting procedures.
- Employees / volunteers are cautioned to avoid working in isolation with children and favouritism.
- We will respect and promote the principles of equality and diversity and will work with all children in a culturally sensitive way within the context of the Irish Constitution and law and the UN Convention on the Rights of the Child, i.e. staff / volunteers should never physically punish or be in anyway verbally abusive to a child, nor should they ever tell jokes of a sexual nature in the presence of children or young people

14.0 Record Keeping

Under the Data Protection Act every person has a right to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased.

Clonmel Arts Festival will ensure that data is collected fairly, is accurate and up-to-date, is kept for lawful purposes and is not used or disclosed in any manner incompatible with those purposes. All data in relation to child protection records collected must be stored in a safe and confidential manner in a secure, locked cabinet.

15.0 Recruitment and Child Protection

All advertisements, screening and recruitment for vacant posts within Clonmel Arts Festival will reflect its commitment to equality. We will ensure that interviewers conduct interviews in a non-discriminatory way. Interviews will be undertaken by a minimum of two Board members using an agreed set of questions.

A minimum of two references (one from the most recent employer) will be taken up followed by a telephone reference check by one of the Board members involved in the interview process. References should be in writing and no references from family or relatives will be accepted.

Clonmel Arts Festival will not employ, contract or involve as a volunteer, any person to work with children or young adults who has a criminal conviction for violent crime, sexual crime, drugs-related offences or any other offences deemed inappropriate in relation to work with children.

All workers employed, contracted to work, or volunteering to work with children through Clonmel Arts Festival will be required to sign a declaration form outlining any previous criminal convictions and granting permission for vetting from An Garda Síochána to be sought. Garda Vetting will be undertaken for all Clonmel Arts Festival Board members and staff.

Clonmel Arts Festival will review their Child Protection and Welfare Policy on an annual basis. The next review will take place in March 2019. Notification of our policy and any changes devised will be displayed on our website at www.clonmelartsfestival.com

Signed: _____
(Chairperson)

Date: _____

Definition of Child Abuse

Child abuse is complicated and can take different forms, but usually consists of one or more of the following signs and symptoms:

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.

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 the sexual arousal or gratification.
- masturbation in the presence 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, 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.

Reckless Endangerment is when a person having authority or control over a child or an abuser, who intentionally or recklessly endangers a child by:

- 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
- Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.

The above are some of the examples of abuse for more information see section 2 of "Children First National Guidance".