

36. Child Protection Policy

Child Protection Policy Statement

At Links Childcare the welfare of the children in our care is of paramount importance. We are committed to providing a safe environment for all children in which they can thrive and are safe and protected from harm. All children are treated with respect and dignity and are given opportunity to have their views heard.

Our aim is to provide the highest possible standard of care in order to promote the well-being of every child and safeguard them from abuse while acknowledging their rights. The purpose of this Child Protection Policy is to guide staff on the procedures to keep children safe.

This policy is for the protection of the children in our service, the staff working with the children, the parents, volunteers, students and relief staff. All staff are familiar with the policy and understand the importance of adhering to the procedures in place.

We have a designated Child Protection Officer and all our staff have been trained to recognise the signs of abuse.

The policy is devised in line with **Children First National Guidance for the Protection & Welfare of Children 2011, Child Protection & Welfare Practice Handbook 2011 and Our Duty to Care 2002** and will be reviewed by the Child Protection Office, in conjunction with Designated and Deputy Designated Persons every year or as necessary to ensure its effectiveness.

2.1 Definition of Abuse

Referenced from Children First: National Guidance for the Protection and Welfare of Children 2011

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

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.

2.2.2 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.

2.2.3 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.

2.2.4 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'

2.3.1 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:

- (i)** the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- (ii)** conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- (iii)** emotional unavailability of the child's parent/carer;
- (iv)** unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- (v)** premature imposition of responsibility on the child;
- (vi)** unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
- (vii)** under- or over-protection of the child;
- (viii)** failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- (ix)** use of unreasonable or over-harsh disciplinary measures;
- (x)** exposure to domestic violence;
- (xi)** exposure to inappropriate or abusive material through new technology.

2.3.2 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'

2.4.1 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:

- (i)** severe physical punishment;
- (ii)** beating, slapping, hitting or kicking;
- (iii)** pushing, shaking or throwing;
- (iv)** pinching, biting, choking or hair-pulling;
- (v)** terrorising with threats;
- (vi)** observing violence;
- (vii)** use of excessive force in handling;
- (viii)** deliberate poisoning;

- (ix) suffocation;
- (x) fabricated/induced illness (see Appendix 1 for details);
- (xi) allowing or creating a substantial risk of significant harm to a child.

2.5 Definition of 'sexual abuse'

2.5.1 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:

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

2.5.2 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.

Reporting Procedures

Recognising child neglect or abuse

At Links Childcare we recognise that child neglect or abuse can be difficult to identify. No one sign or symptom should be seen as conclusive that abuse is taking place. All signs and symptoms must be considered in the relation to the child's situation and family circumstances.

There are commonly three stages in the identification of child neglect or abuse:

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) Recording of information.

Reasonable grounds for child protection or welfare concern (Child Protection & Welfare Practice Handbook)

- 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.



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- 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."

Dealing with Disclosures

At Links Childcare we recognise that children who are subjected to abuse may infer that they are being abused or they may just give a direct disclosure. A disclosure will always be taken seriously and action will be taken immediately i.e. the Child Protection Liaison Person and Deputy Child Protection Liaison Person will be informed immediately. The situation and alleged abuse will be handled very sensitively and the child will not be interviewed without first consulting with the Designated Liaison Person who will take appropriate steps to report the matter to TUSLA. All concerns/disclosures are recorded and kept on file. TUSLA Children and Family Services will also be informed if there is a concern about a potential risk to children posed by a specific person, even if the children are unidentifiable.

Links Childcare guidelines to responding to a disclosure:

- If a child hints or tells a member of staff that he/she is being abused, it will be handled carefully.
- Stay calm (give the child time to say what he/she wants).
- Do not ask leading questions or details, go at the child's pace. The Educarer will note all the information the child is giving them.
- Don't stop the child recalling significant events and don't 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.
- Do not make comment or judge the alleged abuser. Remember the child may love the abuser but not like what he/she is doing to them.
- Record the discussion as early as possible.
- Remain open and communicative with the child – avoid any special treatment of the child. It is important that routines are adhered to.
- The information should be passed to the Designated Liaison Person.

Standard Reporting Procedure

All Staff and Volunteers (including Mandated Persons)

Standard Reporting Procedure

3.4.1 When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they should speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act 2015.

3.4.2 The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report form (available on www.tusla.ie) to Tusla

- Child Protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting
- Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.

3.4.3 If the DLP is unsure if a child protection concern meets the reasonable grounds for concern they should contact Tusla duty social Work for advice and guidance using the informal consultation process.

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 TUSLA, you should contact An Garda Síochána. This may be done through any Garda station.

3.4.4 In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or DLP as appropriate.

3.4.5 Mandated Persons

- Under the Children First Act 2015 Mandated Persons are legal required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or at risk of being harmed to Tusla.
- Mandated Persons should bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay
- If the child protection concern reaches the threshold for harm as defined in the children First Act 2015 it is a mandated report. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person (who raised the concern) and the DLP, using the child Protection and Welfare and Welfare Report form (available on www.tusla.ie). The form must clearly indicate that the report is a Mandated Report.
- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report form within

3 days.

- The statutory obligation of Mandated Persons to report under the Children first Act 2015 must be discharged by the Mandated Person and cannot be discharged by the DLP on their behalf. Mandated Persons can however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the children First Act advice and guidance should be sought through informal consultation with Tusla Duty Social Work.
- If a child protection concern does not meet the criteria for a mandated report, it may meet 'reasonable grounds for concern' for a report to Tusla and this possibility must be considered. If 'reasonable grounds for concern' exist a report to Tusla will be made by the DLP.
- The mandated Person may submit the report to Tusla solely, however, the DLP must be informed that the report has been made and be given a copy of the child Protection and Welfare Report form.
- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.

At Links Childcare we recognize that child abuse can be very difficult to identify and can manifest itself in many ways. No one sign or symptom can form a conclusive view of child abuse. Everything must be taken into account in relation to the child's situation and family circumstances.

In line with Children First Guidance, Links Childcare is bound to professional practice at all times to report to TUSLA if there is the possibility of child abuse or neglect suspected and through good practice will inform the parents/carers if a report is to be submitted to the TUSLA Children and Family Services or to An Garda Síochána, unless doing so is likely to endanger the child.

It is important to remember, even if the child at risk is unidentifiable, your concerns need to be reported to Tusla.

Consequences for Failure to Report Child Protection Concerns: (Reckless Endangerment of Children - Criminal Justice Act 2006)

"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.

(3) Where a person is charged with an offence under *subsection (2)*, no further proceedings in the matter (other than any remand in custody or on bail) shall be taken except by or with the consent of the Director of Public Prosecutions.



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(4) A person guilty of an offence under this section is liable on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or both."

Non-reporting of Concerns:

If the decision is taken by Links Childcare not to report concerns to TUSLA or An Garda Síochána, Links Childcare will give a clear written statement of the reasons why it is not taking any action. If the employee, who raised the concern, remains concerned about the situation, they are free as individuals to consult with, or report to, TUSLA or An Garda Síochána.

Protection for persons making a report.

The provisions of the Protection for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith'. This provides for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith'. Employees are also protected from penalisation by an employer.

Incident Reporting

Links Childcare record, using an incident report book, all incidents/accidents which occur during the child's day. Should a third party have any concerns about a child's welfare it is Links Childcare policy to follow up fully in accordance with TUSLA standard procedures and if it is deemed to be appropriate it will be reported to the TUSLA Children and Family Services and the report (Appendix B) should be completed by the Child Protection Liaison Officer/Deputy Child Protection Liaison Person.

Links Childcare Designated Liaison Person

The name of the Designated Liaison Person is listed in your child's crèche. This person is responsible for dealing with child protection and welfare concerns. Contact details are also listed in your crèche. A deputy Designated Liaison Person is also assigned to cover absence. The above named persons must ensure that the standard reporting procedure is followed and that they undertake training as necessary in child protection.

Confidentiality

At Links Childcare all records are kept confidential and are filed in a safe and confidential manner. Only Links Childcare staff can access the files of the children in their care. No information about a child/children is shared with anybody other than authorised personnel (Links staff working directly with the child, TUSLA staff and An Garda Síochána) and this information is on a 'need to know' basis. Our policy is to operate a safe and secure environment for all children and no undertakings of secrecy will be given although all information will be handled sensitively taking full account of the legalities required of Links Childcare, it will be processed accordingly. Providing information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection and Links Childcare will furnish information as necessary to appropriate bodies. We undertake to inform parents of children if personal information is being shared with other agencies unless we feel it may put the child at further risk.

At Links Childcare we operate within a policy of cooperation with TUSLA Children and Family Services on the sharing of records where a child protection/welfare issue arises and are committed to attending formal meetings to share such information as required by TUSLA.



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Record Keeping

Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by the Designated Liaison Person. Information will include: details of the concern, who raised it, who was contacted, details re informal consultation, any action taken, details re informing parents.

If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made.

Records relating to child protection and welfare issues will be kept indefinitely.

Records will be stored securely in line with the Service Record Policy and the childcare Act 1991 (Early Years Services) Regulations 2016.

All records of concerns, allegations or disclosures of child abuse are kept securely in Links Childcare Head Office, St. Olave's, Kinsealy, Malahide Co. Dublin. Only authorised personnel have access to such records. Authorised Personnel as follows: Managing Director, Designated Liaison Person & Deputy Designated Liaison Person.

Safe Recruitment Procedures for Workers

At Links Childcare we ensure best practice for recruitment of all staff. All vacant positions are advertised both locally and nationally through newspapers and websites to ensure the widest possible audience for broad recruitment.

All staff are Garda vetted and where applicable – Police Clearance is sought, 2 written references must be supplied and kept on file and are verbally verified. All staff are interviewed, receive induction training, are put on 6 months' probation, must supply photographic evidence of their identity and this will be retained on file. As employees, all staff are monitored and mentored on an ongoing basis to ensure the highest standards of professional practice. Upon acceptance of an applicant the worker is provided with a job description and written contract which they sign and return to Links Childcare HR Dept. which includes all Links Childcare Policies and Procedures.

Safe Management of Workers

It is the policy of Links Childcare for staff/team meetings to be held in each Centre monthly as a support to employees and to give them opportunity to air any concerns. The manager and area manager must attend these meetings and the agenda is documented and followed up on. Should a staff member have to deal with a child protection and welfare concern or disclosure, Links Childcare will do everything in our power to support the individual.

Training and Induction

All staff receive induction in all policies and procedures, including Child Protection and Welfare. Throughout Links Childcare we are committed to continuous training and professional development of all staff. Child Welfare and Protection training is an integral part of the company's annual review of training strategy.



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Procedures for allegations of abuse against workers

When an allegation of abuse is reported to Links Childcare, the matter will be investigated as a matter of urgency and will be assessed carefully. If the decision is made to make a formal report to the TUSLA it will be done so based on reasonable grounds for concern as already outlined in this document. The main priority is to ensure the child's safety and ensure they are not exposed to further risk and to this end Links Childcare will put protective measures in place. These measures will be proportionate to the level of risk and will not unreasonably penalize the employee unless it is necessary to protect the child. Any action taken will be guided by the employee's employment contract and rules of natural justice. The Managing Director, must be informed of any allegations immediately. Once the company has been informed of the allegation, Links Childcare will inform the employee privately of the fact that they have been reported and the nature of the allegation will be disclosed to the employee. The employee will then be given opportunity to respond and said response will be passed on to the TUSLA Children and Family Services if a formal report is made. Parents will be informed of all actions planned while taking into account the fundamental rights of all concerned. During the investigation Links Childcare will liaise closely with the TUSLA Children and Family Services to ensure continuity of the investigation. The outcome for the employee will be determined by the outcome of the investigation. The HR Manager will conduct the investigation on behalf of Links Childcare and will have the responsibility of reporting the incident to the TUSLA Children and Family Services.

All aspects and stages of the investigation will be recorded by Links Childcare.

Code of Behaviour between Workers and Children

All staff are expected to behave in a respectful and positive manner towards the children in their care. All children must be treated equally in line with the Equal Status Acts 2000-2004. All employees are given a copy of Links Childcare Behaviour Policy and must familiarise themselves with the content and abide by same at all times. Staff must not touch the children in an inappropriate manner and be mindful of appropriate contact during toileting.

All activities/curricula are devised and carried out with the children's development and safety in mind and TUSLA ratio guidelines are adhered to at all times.

The use of electronic equipment/communication devices such as mobile phones etc. is not permitted in the rooms to protect the welfare of the children. Photographs are only permitted to be taken on the crèche camera and are only for use within the Centre following parental permission.

All staff must peer monitor and have a duty to report any concerns about a colleague's behaviour with regard to children.

Parental Involvement/Sharing Information

At Links Childcare we encourage parental involvement and work in partnership with parents. All Policies and Procedures are available at www.linkschildcare.ie. The room curriculum is displayed on the wall in each room to ensure all parents are involved and aware of the daily activities their children participate in and are given a detailed handover at collection time. All parents must provide Links Childcare with information about their child and their guardianship to include a consent form to allow their child to participate in daily activities.



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Involving Children/Sharing Information

All children at Links Childcare are respected by the staff and are educated about personal safety in an age/stage appropriate manner. They are given opportunity daily through organised activities to have their voices and opinions heard and are actively encouraged by staff to have their say. Resources are used to help young children understand how to stay safe and communicate to staff when they are upset so appropriate action can be taken.

Accidents/Incidents Procedure

All accidents/incidents are documented in the Incident/Accident Report Book detailing what happened, the time, date, place and staff present at the time of the incident. Each crèche has emergency contact details for parents/guardians and parents are informed of incidents which are deemed to be serious by phone contact and minor incidents are reported in person when they collect their child. But all parents are asked to sign the incident report form upon collection of the child. There is a first aid box in each Crèche and all staff are aware of its location. All staff are offered training in First Aid. There is a list of emergency numbers displayed in each crèche on the notice board for staff and parents to see. All crèches are insured and an up to date insurance certificate is displayed in the reception of each crèche.

Review

Management and staff monitor and review the effectiveness of the Child Protection Policy yearly and revise the policy when required.