



CHILD SAFEGUARDING STATEMENT

Approved by: Safety Officer

TABLE OF CONTENTS

1.	DEFINITIONS.....	4
2.	AIMS AND OBJECTIVES.....	7
3.	LEGAL FRAMEWORK	8
	Relevant Legislation	8
	Statutory Obligations	8
	Non-Statutory Guidance	8
4.	OVERVIEW OF THE REPORTING RESPONSIBILITIES FOR MEMBERS OF UL.....	9
	Child Safeguarding Contact Details.....	10
5.	UNIVERSITY OF LIMERICK CHILD SAFEGUARDING STATEMENT	11
	Name of Service being Provided	11
	Nature of Service and Principles to Safeguard Children from Harm	11
	Risk Assessment	12
	Procedures for Managing Risks.....	21
	University Activities Involving Children – Best Practice.....	22
	Research Involving Children.....	22
	Recruitment Procedures and Requirements for Vetting.....	23
	Child Protection Training	23
	Confidentiality.....	24
	Implementation	24
6.	RESPONSIBILITIES OF MEMBERS OF UL	28
	General.....	28
	Designated Liaison Person (DLP).....	28
	Reasonable Grounds for Concern	29
	Dealing with Disclosures from Children.....	30
	Retrospective Disclosures by Adults	31
	Concerns in relation to an adult who may pose a risk to children	31
	Record Keeping	32
	6.1.1 Informing Parents	32
	6.1.2 Reporting to UL Management	33
	Relevant Person	33
	Statutory Obligations of Mandated Persons	34
	Who is a Mandated Person?.....	34
	Threshold of Harm	34
	Reporting procedures made by Mandated Members of UL.....	35
	6.1.3 UL Joint Reporting Procedures.....	35
	6.1.4 Decision Not to Report.....	37

Exceptions from the Obligation to Make a Mandated Report	37
Certain Underage Sexual Activity.....	37
Consequences of Non-Reporting	38
Mandated Assisting.....	38
7. REPORTING PROCEDURE FOR NON-MANDATED MEMBERS OF UL.....	39
Reporting to Tusla / An Garda Síochána	39
Seeking Advice from Tusla	40
Decision Not to Report.....	40
8. DEALING WITH ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE MADE AGAINST A MEMBER OF THE UL COMMUNITY.	41
Introduction	41
Protocol Authorising Immediate Action.	41
Allegations or Concerns Involving Members of UL.....	41
Procedures to be Followed	42
Right of Reply	45
Feedback from Tusla and Further Follow Up.....	45
Appendix 1: The Role of Tusla and An Garda Síochána	46
The Role of Tusla.....	46
The Role of An Garda Síochána.....	46
Joint Working Between Tusla and An Garda Síochána	47
Appendix 2: Additional Child Safeguarding Risk Assessment Template for Faculties/ Divisions/ Departments.	48
Appendix 3: Tusla Child Protection and Welfare Report Form.....	49
Appendix 4 Tusla Retrospective Abuse Report Form	53
Appendix 5: Checklist for Review of the Child Safeguarding Statement	58
Appendix 6: Schedule of Relevant Services under The Children First Act 2015	60
Appendix 7: Schedule of Mandated Persons under The Children First Act 2015.....	62
Appendix 8: Relevant Legislation.....	64
Appendix 9: Schedule of Offences as set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012	67
Appendix 10: Definition and Recognition of Child Abuse	69
Types of child abuse and how they may be recognised	69
Neglect	69
Emotional Abuse	70
Physical Abuse.....	71
Sexual Abuse	71
Circumstances which may make children more vulnerable to harm	72
Retrospective Disclosures by Adults	73

Bullying.....	73
Appendix 11: Acceptance of the UL Child Safeguarding Statement.....	74

1. DEFINITIONS

Agency	Tusla - Child and Family Agency
Assault	see Physical Abuse.
Employee	means a full-time, part-time and voluntary employee of the University.
Member(s) of UL	means a person who is involved in the operation of UL including all employees, contractors, students and voluntary workers.
Associated Organisations	means contractors, visitors, external parties who are granted access to University resources, University facilities but who are not under the direct management of the University of Limerick.
Child	means a person under the age of 18 years, excluding a person who is or who has been married, as defined in The Child Care Act 1991.
Child Safeguarding Statement	means a written statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm pursuant to section 11 of the 2015 Act.
Child Protection Procedures	means the detailed procedures in place in UL for dealing with and the reporting of child protection concerns, ;working safely with children; recruiting and managing staff child safeguarding awareness and training;; involving parents and children; implementing and reviewing the safeguarding strategies, in compliance with the 2017 Guidance.
Designated Liaison Person (DLP)	means the person nominated by UL Governance in accordance with the 2017 National Guidance to act as the liaison person for UL to deal with the Child and Family Agency, Tusla and/or An Garda Síochána and other parties in connection with allegation(s) of and/or concerns about child abuse. For the purpose of this procedure, the DLP will also be the Relevant Person.
Harm	means, in relation to a child: (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or (b) sexual abuse of the child whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.
Ill-treatment	means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.
Neglect	means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.

Mandated Person	means a Member of UL who by virtue of their occupation, falls under the classes of persons are specified as Mandated Persons for the purposes of Schedule 2 of the 2015 Act.
Mandated Report	means a report made by a Mandated Person in accordance with Sections 14(1) & 14(2) of the 2015 Act.
Non –Mandated Person	means a Member of UL who is not a Mandated Person.
Non-Mandated Report	means any report made to Tulsa or An Garda Síochána in accordance with these procedures or in accordance with <i>Children First</i> National Guidance 2017 or Children First 2015, other than a mandated report.
Parent	means a foster parent, a legal guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in <i>loco parentis</i> who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.
Physical Abuse	means when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child’s health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.
Relevant Service	means a service as set out in Schedule 1 of the Children First Act 2015.
Relevant Person	means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the providers child safeguarding statement.
Student of UL	means any student of UL, to include any full-time, part-time, occasional, and visiting students at the University.
Sexual Abuse	means, in relation to a child <ul style="list-style-type: none"> a) an offence against the child, specified in Schedule 3 of the Children First Act 2015, b) wilful exposure of the child to pornography, or c) wilful sexual activity in the presence of the child.
A Scheduled Offence	means an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.
The 2015 Act	means the Children First Act 2015.

The 2017 National Guidance	means the <i>Children First: National Guidance for the Protection and Welfare of Children, 2017</i> as published by the Department of Children and Youth Affairs.
UL	means the University of Limerick
UL Governance	means any person appointed by the President, the Executive Committee and the Governing Authority of the University to manage the University and all UL Subsidiary Organisations
UL Child Safeguarding Statement and Child Procedures	means this document and this document will replace and override any pre-existing Child Protection Policies and other Child Protection Procedures in existence in UL.
UL Subsidiary Organisations	All University contractors, associated organisations, visitors and/or other parties who are granted access to the University's resources and/or facilities but who are not under the direct management of UL.
Vulnerable person	<p>means a person</p> <p>(a) who:</p> <p>(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or</p> <p>(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or</p> <p>(b) who is suffering from an enduring physical impairment or injury, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.</p> <p>In certain cases, and pursuant to certain offences under law, this definition can apply to a child aged 17 and over.</p>
Welfare	means, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child

2. AIMS AND OBJECTIVES

The purpose of these procedures is to

- a) Ensure compliance with statutory obligations, to ensure compliance with the requirements of the 2015 Act.
- b) Ensure compliance with non-statutory best practice including the 2017 Guidance.
- c) List the procedures that are in place in UL to keep children safe from harm.
- d) Ensure that children are safe from harm while availing of UL facilities.
- e) Raise awareness of child abuse and neglect amongst all members of UL.
- f) Provide information for all members of UL to recognise child abuse and neglect and in relation to the identification of the occurrence of harm.
- g) Set out a clear framework for all members of UL to show how concerns of child abuse and neglect are to be reported to Tusla and/or An Garda Síochána;
- h) Ensure that provision is made for the appropriate:
 - training of members of UL.
 - displaying of the UL Child Safeguarding Statement and the risk assessment.
 - review of the potential for harm is carried out.
 - management of risk as identified in the risk assessment.
 - safe selection and recruitment of any person as a member of staff about that person's suitability to work with children.
- i) Set down procedures in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service.
- j) Ensure the safe selection and recruitment of any person as a member of staff of the provider regarding that person's suitability to work with children.
- k) Ensure the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm.
- l) Enable the reporting to the Agency by the provider or a member of staff of the provider (whether a Mandated Person or otherwise) in accordance with the 2015 Act.
- m) A list is maintained of all the Mandated Persons in UL and.
- n) The appointment of a Relevant Person for the purposes of the 2015 Act and.
- o) The appointment of a Designated Liaison Person (DLP) for the purposes of the 2017 Guidance.

This procedure applies to all Members of UL and it is the duty of each University member to comply with this Child Safeguarding Statement.

3. LEGAL FRAMEWORK

Relevant Legislation

There are several key pieces of legislation that relate to child welfare and protection. A brief overview of the relevant legislation listed below is contained in Appendix 8.

- Child Care Act 1991
- Non-Fatal Offences Against the Person Act 1997
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006 - Reckless Endangerment
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017
- Freedom of Information Acts 1997, 2003 & 2014
- The Data Protection Acts, 1998 And 2003
- General Data Protection Regulation (GDPR).

Statutory Obligations

The 2015 Act places specific obligations on organisations, which provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using UL facilities.
- Carry out a risk assessment to identify whether a child or young person could be harmed while attending UL or availing of UL facilities.
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified in the UL risk assessment.
- Appoint a Relevant Person to be the first point of contact in respect of UL's Child Safeguarding Statement, which is comprised as part of these procedures.

Non-Statutory Guidance

Children First: National Guidance for the Protection and Welfare of Children (The 2017 Guidance) has been revised on three occasions, most recently in 2017 because of the enactment of the Children First Act 2015. The 2015 Act places several statutory obligations on specific groups of professionals and on organisations providing services to children.

The schedule of Relevant Services under the Children First Act 2015 is contained in Appendix 6 of these procedures.

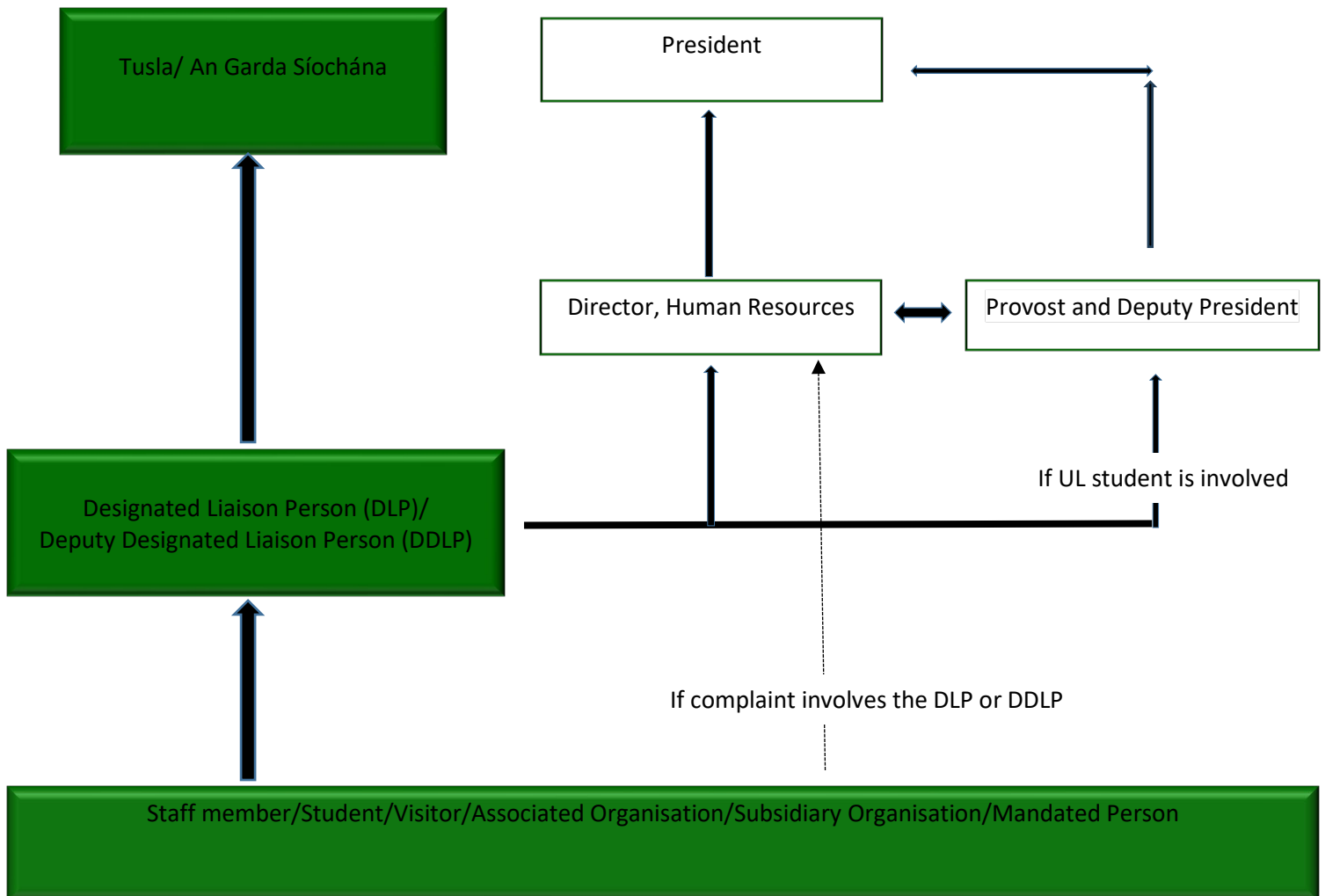
A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 7 of these procedures.

The procedures contained in this procedure are based on *the Children First National Guidance 2017* and in compliance with the 2015 Act, these procedures:

- Set out the statutory responsibilities for Mandated Persons and organisations under the 2015 Act
- Set out the best practice procedures that should be in place for all organisations providing services to children.

- Provide guidance in identifying and reporting child abuse and neglect and in dealing effectively with concerns
- Include information on the statutory obligations for individuals and organisations
- Provide information about how the statutory agencies respond to reports of concerns made about children.

4. OVERVIEW OF THE REPORTING RESPONSIBILITIES FOR MEMBERS OF UL



DLP- Designated Liaison Person
 DDLP- Deputy Designated Liaison Person
 Director, HR Division- Director, Human Resources Division

Child Safeguarding Contact Details

Contact	Name	Contact Details
Designated Liaison Person /Relevant Person	Rob Hickey	T: 061202239 M: 086 1072153 E: rob.hickey@ul.ie
Deputy Designated Liaison Person	Maggie Hayes	T: 061 202374 E: maggie.hayes@ul.ie
Director, Human Resources	Bobby O'Connor	T: 061 213518 E:bobby.oconnor@ul.ie
Provost and Deputy President	Ann Ledwith	T: 061 202468 E: ann.ledwith@ul.ie
An Garda Síochána	An Garda Síochána, Henry Street Limerick	T: 061 212400
Tusla Child and Family Agency	Duty Social Work Team Roxtown Health Centre Old Clare St. Limerick	T: 061 483097 T: 061 483098 E:limkdutysocialwork@tusla.ie

5. UNIVERSITY OF LIMERICK CHILD SAFEGUARDING STATEMENT

Name of Service being Provided

UL is a leading Irish University providing third and fourth level education.

Nature of Service and Principles to Safeguard Children from Harm

UL is a Relevant Service as set out in Schedule 1 of the Children First Act 2015. UL admits students who may be aged under 18 and employs personnel who may be under the age of 18. UL also provides services to children through its Subsidiary Organisations and Associated Organisations. These services include sporting activities, summer camps, cultural activities, placements and many other activities, which permit children to remain on campus for periods without their parents.

UL recognises that the welfare of the child is paramount, that children should be protected, treated with respect, listened to, and have their views taken into consideration.

UL recognises its responsibility to promote and safeguard the welfare of children, young people and vulnerable persons.

UL acknowledges that all children should be valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

UL is committed to adopting and upholding the highest possible standards in child protection and shall take all reasonable steps in relation to the protection and welfare of children, young people and vulnerable persons who may be present within its facilities or on university related placements, avail of its services, or participate in research conducted by or on behalf of the university.

Child Safeguarding Statement

UL has developed the following Child Safeguarding Statement including a Risk Assessment in compliance with the requirements of the Children First Act 2015 which

- a. examines all aspects of the services UL provides to children to establish whether there are any practices or features of the service/s that have the potential to put children at risk.
- b. outlines the policies and procedures which are in place to manage the risks that have been identified

Risk Assessment

The University has undertaken a risk assessment in which it has assessed potential hazard to children while availing of the services provided by UL and details the procedures in place to for managing these risks.

List of UL Activities	Risk of Harm in respect of the activity	Procedures / Protocols in place to address risk of harm identified
1: CAMPUS, INFRASTRUCTURE		
Children visiting the UL campus.	Risk of harm to children by members of the UL Community or members of the public.	<p>24-hour campus security service provider in place. Security is always available/contactable. CCTV monitoring in place on campus. Staff vetting programme in place. UL provides all staff and service providers with a copy of the University's Child Safeguarding Statement. Children First, Child Protection training is conducted at the University at regular intervals. Child safeguarding queries are included to be confirmed in the event management plan and risk assessments submitted by event organisers to their Head of Department for approval.</p>
Members of the public accessing the UL campus.	Risk of harm to children by members of the UL Community or members of the public.	<p>24-hour campus security service provider in place. Security is always available/contactable. CCTV monitoring in place on campus. CCTV in use signage erected on-site. University opening and closing hours are available on the UL website. Child safeguarding control confirmation questions are included in event management plans template and risk assessments submitted by event organisers for approval.</p>

<p>Use of toilet/shower /changing facilities.</p>	<p>Risk of harm to children by members of the UL Community or members of the public.</p>	<p>Facilities are allocated for each gender including gender-neutral facilities. Facilities are maintained at regular intervals by Cleaning Services staff. UL provides all staff and service providers with a copy of the University's Child Safeguarding Statement. UL encourage all University staff to undertake the Tusla Children First Elearning training module and any online training as may be required from time to time.</p>
<p>Students under the age of 18 attending clubs and bars serving alcohol on campus.</p>	<p>Risk of harm to children / students under 18 in campus clubs and bars serving alcohol. Risk of harm to children/ students under 18 being vulnerable from alcohol including excessive alcohol consumption.</p>	<p>The clubs and bars serving alcohol comply with all licensing laws. Children are not permitted to enter the clubs or bars on campus after 9pm. The club and bar operators appoint appropriate security at each of the campus clubs or bars as required. Staff are authorised to inspect student identity cards and other identification documents to confirm identity and age. Club and bar staff do not serve alcohol to intoxicated persons. Organisers are required to formulate an event management plan for events on campus to the UL Building and Estates department and the Health and Safety Unit for review.</p>
<p>UL students under 18 years of age living in UL student villages.</p>	<p>Risk of harm to children by members of the UL Community or members of the public. Harm / Abuse not being reported properly and promptly by personnel.</p>	<p>Village Management personnel on-site. Security services on call 24 hours per day for village residences. Campus Life Services must confirm compliance with the 2015 Act and 2017 guidance including submission of their Child Safeguarding statement to the University Health and Safety Unit.</p>

2: PERSONNEL

<p>Child Protection Training for UL Personnel</p>	<p>Risk of harm to children by members of the UL Community or members of the public. Harm / Abuse not being reported properly and promptly by personnel.</p>	<p>Designated Liaison Person (DLP) /Deputy Designated Liaison Person (DDL) avail of training provided by professional organisations. Heads of Departments are responsible to ensure staff attend the appropriate level of Children First, Child Protection training and maintain staff training records. All UL personnel who have contact with / engage with children are requested to do the Tusla Children First Elearning training module and provide a copy of the certificate of completion to their Head of Department. Training can be found at: https://www.tusla.ie/children-first/children-first-e-learning-programme/ The UL Child Safeguarding Statement is available to all members of UL. All members of staff who work with children are required to sign the 'UL Acceptance of UL Child Safeguarding Statement' and return to their Head of Department.</p>
<p>Specific Training for Mandated Persons</p>	<p>Risk of harm to children not being recognised by UL staff.</p>	<p>Individual departments are requested to maintain a list of Mandated Persons within the department. UL request all Mandated staff to undertake the Tusla Children First Elearning training module and any online training as may be required from time to time. All concerns are required to be reported to the DLP and where necessary, a joint report is issued to Tusla. Mandated persons alert the Designated Liaison Person when a disclosure is made to Tusla.</p>

<p>Provision of child protection information for UL students</p>	<p>Indicators of harm /abuse not being recognised by UL students.</p> <p>Harm / Abuse not being reported properly and promptly by students.</p>	<p>The UL Child Safeguarding Statement are brought to the attention of students during their induction programme.</p> <p>These procedures are available online.</p> <p>Campus signage advises students as to where they can access these procedures and emergency numbers.</p> <p>The name and contact details of the DLP is prominently displayed on campus and on the UL website.</p> <p>All UL students who have contact with / engage with children as part of their studies /work placements receive appropriate information on reporting procedures.</p> <p>UL student vetting programme in place.</p>
<p>Recruitment of UL personnel All Faculties, Divisions and Departments.</p>	<p>Risk of a child being harmed by a member of the UL Community.</p> <p>Indicators of harm /abuse not being recognised by UL personnel</p>	<p>Recruitment teams issue job description for each position detailing the required qualifications and the job role being recruited for.</p> <p>Designated recruitment teams appoint staff with appropriate qualifications and experience.</p> <p>UL recruitment procedures in place.</p> <p>Candidates undertake a formal interview.</p> <p>Reference checks are completed on successful candidates.</p> <p>All Faculties, Divisions and Departments must ensure compliance with the legal requirements in relation to vetting of all employees who conduct relevant work/activities.</p> <p>The Health and Safety Unit oversees the University vetting and foreign police clearance process with the National Vetting Bureau. Heads of Departments or their delegates are responsible for ensuring appropriate staff are vetted. The Recruitment</p>

		<p>Manager is responsible for identifying new recruits who require vetting.</p> <p>It is compulsory for all hiring departments of UL to ensure that anyone who is carrying out relevant work/activities with children or vulnerable persons undergo the University vetting process.</p> <p>All new recruited staff undergo a probationary period.</p> <p>The UL Child Safeguarding Statement is made available to all members of UL.</p> <p>UL request all staff working with children to undertake the Tusla Children First Elearning training module and any online training as may be required from time to time.</p> <p>All concerns shall be reported to the DLP.</p>
Retrospective vetting	<p>Risk of a child being harmed by a member of the UL community.</p> <p>Indicators of harm /abuse not being recognised by UL personnel</p>	<p>Retrospective vetting process in place for relevant University staff. The Child Safeguarding Statement is available for all interested parties on the UL website. All staff are encouraged to undertake the Tusla Children First Elearning training module.</p>
Students (under 18) on Placement.	<p>Risk of harm to UL students under 18/ children by staff members in the host organisation/ members of the public.</p> <p>Indicators of harm /abuse not being recognised by UL personnel</p>	<p>Low frequency of occurrence due to university programme structures.</p> <p>The UL Child Safeguarding Statement is made available to all members of UL on the UL website.</p> <p>UL Student Placement staff are required to confirm the child safeguarding procedures implemented at the host organisation when setting up student placements.</p> <p>UL students are required to review the host organisation's child safeguarding procedures.</p> <p>UL requests that students complete the Tusla Children First</p>

		Elearning training module and any online training prior to going on placement. Anyone under 18 years of age should have parental consent to access the Tulsa online training programme.
Student Placements where students have access to children.	Risk of harm to children by university students. Risk of harm to children by members of the public in placement organisations. Risk of harm to children by the host organisation staff. Indicators of harm /abuse not being recognised by UL students.	The UL Child Safeguarding Statement is made available to all members of UL via the UL website. Individual departments to implement local children protection procedure while on placement. Student vetting programme in place for relevant UL students. UL request students to complete the Tusla Children First Elearning training module prior to going on placement. UL students are required to review the host organisation's child safeguarding procedures. Placement students are supported by designated UL staff while in host organisations.
Children on campus via placements/school activities.	Risk of a child being harmed by a member of the UL Community. Indicators of harm /abuse not being recognised by UL personnel.	The UL Child Safeguarding Statement is made available to all members of UL on the UL website. A local risk assessment must be conducted by the programme organiser to confirm required staff vetting and organise necessary controls while children are on- campus. In the event of a UL staff member finding an unaccompanied child who is not a UL member they are required to report this to on-campus security. Security staff provided on-campus. CCTV access is always maintained.
Research involving children	Risk of a child being harmed by a member of the UL Community.	The University of Limerick Research Ethics Governance committee must approve research, including all research involving children.

	<p>Indicators of harm /abuse not being recognised by UL personnel.</p> <p>Risk of harm/abuse not being reported appropriately and promptly</p>	<p>At all times the UL Operating Guidelines for the Governance and Oversight of Research Ethics and Procedures for Research Ethics Approval must be adhered to.</p> <p>Personnel conducting research involving children shall undergo the University vetting process. The UL Child Safeguarding Statement is available to all members of UL.</p>
<p>Volunteers involved in activities on the UL campus.</p>	<p>Risk of child being harmed by a volunteer / parent person while child participating in UL activities.</p> <p>Risk of Harm / Abuse not being reported properly and promptly by Volunteers/ Parents.</p>	<p>Child safeguarding controls must be included in events management plan approved by the Head of Department.</p> <p>UL third party organisation must confirm compliance with the 2015 Act and 2017 guidance including submission of their Child Safeguarding Statement.</p> <p>All volunteers involved in relevant UL activities shall undertake the University vetting process if appropriate.</p> <p>All volunteers who deal with or work with children shall be required to undergo Child Protection training.</p> <p>All volunteers involved in UL activities are provided with a copy of the UL Child Safeguarding Statement.</p> <p>All volunteers who attend the UL Access Campus are provided with an initial induction to Children First, and they are made aware of their responsibilities as they relate to the Access Campus around child protection (including protocols, etc.).</p> <p>The Access office facilitate and co-deliver Child Protection training on a bi-annual basis, in collaboration with qualified trainers from the local community partners and/or the HSE; alternatively, the Access office sources training events in Child Protection for volunteers.</p>

3. COMMUNICATION		
Images		
Use of camera / mobile phone camera	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	Members of UL are forbidden from photographing or recording images in changing rooms, toilet area or locker rooms. Photographs and/or recorded images of children cannot be used or shared without the prior approval of parents/legal guardians and the children themselves.
Posting of team photographs/cultural photographs on social media	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	GDPR training is provided to university staff. Photographs and/or recorded images of children are not permitted to be used or shared without the prior approval of parents/legal guardians and the children themselves.
Use of Information and Communication Technology by UL staff to access child pornography.	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	The Information Technology Department in UL has an acceptable usage policy in place. All staff and students are provided with the policy. The access to an Individual's computer by ITD staff policy includes the statement " <i>The University is obliged by law to report the discovery of any illegal material (such as child pornography) to the relevant authorities.</i> "
4. SPORTING ACTIVITIES		
Use of personnel to support sporting events involving children.	Risk of a child being harmed by a member of the UL Community. Indicators of harm /abuse not being recognised by UL personnel.	Safe recruitment procedures observed. A local risk assessment must be conducted by the programme organiser to confirm the required staff vetting and organise necessary controls while children are off campus. The UL Sport has its own Child Safeguarding Statement which has been written and is

		<p>maintained in accordance with the 2015 Act and 2017 Guidance. UL encourage all University staff to undertake the Tusla Children First Elearning training module and any online training as may be required from time to time. UL provides all staff and service providers with a copy of the University's Child Safeguarding Statement.</p>
5. FIELD TRIPS		
Use of personnel to support field trips involving children.	<p>Risk of a child being harmed by a member of the UL Community.</p> <p>Indicators of harm /abuse not being recognised by UL personnel.</p>	<p>UL provides all staff with a copy of the University's Child Safeguarding Statement. Safe recruitment procedures observed. A local risk assessment must be conducted by the programme organiser to confirm required staff vetting and organise necessary controls while children are off campus. Departments ensure appropriate staff numbers accompany students on trips.</p>
6. CHILD SERVICES PROVIDED ON CAMPUS		
One to one counselling	<p>Risk of a child being harmed by a member of the UL Community.</p> <p>Indicators of harm /abuse not being recognised by UL personnel</p>	<p>Éist Student Counselling and Wellbeing service provided in the UL Student Affairs Division. UL undertakes vetting of current and prospective employees in accordance with the University vetting process. All counsellors are members of IACP/IAHIP/PsSI with qualifications are required for membership. Policy on Referrals in place. UL Student Complaints procedure implemented in the department. Staff are requested to undertake the Tusla Children First Elearning training module All child protection concerns are reported to the DLP as required.</p>
7. RECORD KEEPING		
Records kept of all child protection training.	That compliance with the legal requirements has not/ is able to be shown.	Head of Departments are responsible for ensuring appropriate staff and students

		complete Child Protection training. Staff are requested to submit a soft copy of the Tusla Children First Elearning training module certificate to their Head of Department.
Records kept of mandated and non-mandated reports	Failure to record records.	All concerns with child protection at UL shall be reported to the DLP without delay. DLP records all information and stores records in a safe and secure manner.
Records kept of claims/child protection related instances and injuries which requires insurance notification.	Failure to record records.	All concerns with child protection at UL shall be reported to the DLP. DLP records all information and stores records in a safe and secure manner. All child protection data is processed and managed in accordance with the UL Records Management & Retention Policy and the local HR Division Record Control Process QMS09.11. Within the Health & Safety Unit, all child protection records are processed and held in accordance with the GDPR.

Procedures for Managing Risks

In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- i. The management of allegations of abuse or misconduct against staff/volunteers of a child availing of our service. See section 9 of these procedures.
- ii. The safe recruitment and selection of staff and volunteers to work with children. See section 5.7 of these procedures.
- iii. The provision of and access to child safeguarding training and information, including the identification of the occurrence of harm. See section 5.8 of these procedures.
- iv. The reporting of child protection or welfare concerns to Tusla. See section 7.4 and Section 8 of these procedures.
- v. The maintaining a list of the persons (if any) in the relevant service who are Mandated Persons. See section 7 of these procedures.
- vi. The appointing of a Relevant Person. See section 6.8 of these procedures.

University Activities Involving Children – Best Practice

Faculty/Divisions and Departments who work with children and young people must familiarise themselves with these procedures and sign an Acceptance of the UL Child Safeguarding Statement which can be found in Appendix 11. The faculty/staff member shall return the form to their Head of Department / Line Manager for retention on file.

Students who work with children and young people must be made aware of this procedure by their Academic Supervisor and they must sign an Acceptance of the UL Child Safeguarding Statement (Appendix 11). The student shall return the completed form to their University Department office for retention on file.

Students on placement in schools, colleges or with any other bodies providing services to children must be made aware of this procedure by their Academic Supervisor and they must sign an Acceptance of the UL Child Safeguarding Statement (Appendix 11). The student shall return the completed form to their University Department office for retention on file. Furthermore, the student on placement as described above must comply with the Child Protection Procedures and Child Safeguarding Statements of those bodies and obtain relevant information in relation to same in advance of any attendance or attendance placement for other interaction involving children and young persons.

Members of the University must ensure that they:

- always work in an open environment (i.e., avoiding private or unobserved situations). Do not allow yourself to be left alone with a child.
- treat all children equally, and with respect and dignity.
- demonstrate exemplary behaviour in the presence of children.
- provide a safe, appropriately monitored environment for any children visiting the campus.
- adopt the safest possible practices to minimise the possibility of harm or accidents happening to children.
- give enthusiastic and constructive feedback instead of negative criticism.
- never use physical punishment.
- always refer child abuse, welfare and safety issues to the DLP.

Research Involving Children

Research involving children must be approved by the University's research ethics process prior to the commencement of the work. General information on research ethics applications can be obtained from the University of Limerick Research Ethics Committee Website at:

The researcher must comply with the instructions listed in the University activities involving children best practice as detailed in section 5.5 and in addition (s) he must ensure that:

- written consent is obtained from the parents/legal guardians of children under 18 **and** from the children themselves.
- Children are informed in appropriate language so that they understand the research they are being asked to participate in.
- the effect of the research on the child is monitored to ensure that they feel comfortable with continuing with the research.

- in addition to the child, two or more persons shall be present during the research. There may be rare occasions when a confidential interview or a one-to-one meeting is necessary and, in such circumstances, parents/legal guardians must be informed, and the interview should be conducted in a room with an open door or visual access.

Recruitment Procedures and Requirements for Vetting

All Faculties, Divisions and Departments operating under UL must ensure compliance with the legal requirements in relation to vetting of all employees and personnel who undertake relevant work or activities with children and/or vulnerable persons.

Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work or activities with children or vulnerable persons. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons conducting relevant work/activities with children and vulnerable persons are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

Vetting should not take the place of normal recruitment procedures. In addition, comprehensive procedures for the checking of the person's suitability to conduct relevant work/activities with children or vulnerable persons are an essential element of child protection practice. Thorough recruitment procedures are essential. Vetting is to be used as part of those procedures.

Child Protection Training

Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies (interagency) and within Agencies (intra-agency).

Training and education are an important means of achieving this. It is imperative that all Faculties, Divisions and Departments operating under UL ensure that all personnel are familiar with these procedures to enable them to fulfil their responsibilities therein.

This will be achieved by the faculty, division, department developing a culture of awareness and knowledge of these procedures amongst all personnel and, where necessary, ensure that appropriate training is undertaken.

Children First, Child Protection training is conducted at regular intervals and is co-ordinated by the Health and Safety Unit at UL. Children First, Child Protection training records are maintained by the Health and Safety Unit.

Members of UL whose role involves working with children are requested and all other staff are encouraged to undertake the Tusla Children First Elearning programme. The Elearning training programme is called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise and is available on:

<https://www.tusla.ie/children-first/children-first-e-learning-programme>

University staff, when arranging student work placements, shall clarify the child safeguarding procedures within the host organisations. The University students shall familiarise themselves with these procedures prior to commencing their placement.

Confidentiality

All information regarding concerns of possible child abuse and neglect should be shared only on a “need to know” basis in the best interests of the child. Giving information to those who need to have that information, for the protection of a child who may have been abused or neglected, or is being abused and neglected or is at risk of abuse or neglect is not a breach of confidentiality.

Section 17 of the Children First Act 2015 makes it an offence for the DLP and/or Mandated Person to disclose information to a third party, which has been shared by Tusla during an assessment, unless Tusla has given you written authorisation to do so.

The assurance of confidentiality should not be given to any person who imparts information. All Faculties, Divisions and Departments should be aware that the EU General Data Protection Regulation (GDPR) which came into force on the 25th of May 2018, replacing the existing data protection framework.

Implementation

i The DLP responsible for dealing with all child protection concerns in UL is the Safety Officer: Rob Hickey Phone 061 202239 / 086 1072153.

ii In the absence of the DLP the Deputy Designated Liaison Person (DDL) responsible for dealing with child protection concerns is the Health and Safety Technical Officer: Maggie Hayes 061 202374

iii Local Emergency contact numbers are as follows:

An Garda Síochána- Henry Street, Limerick Phone 061 212400.

Tusla Child and Family Agency, Duty Social Work Team. Rixtown Health Centre, Old Clare St., Limerick Phone 061 483097 or 061 483098

iv UL management recognises that child protection and welfare considerations permeate all aspects of university life and therefore must be reflected in all the university’s policies, procedures, practices and activities. In adhering to the following key principles of best practice in child protection and welfare all members of UL will:

- recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations.
- fully comply with statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children.
- fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters.
- adopt safe practices to minimise the possibility of harm or accidents happening to children and protect staff from the necessity to take unnecessary risks that may leave them open to accusations of abuse or neglect.
- where appropriate, develop a practice of openness with parents and encourage parental involvement in the education of their children; and
- fully respect confidentiality requirements in dealing with child protection matters.

All members of UL will also adhere to the above principles in relation to any adult with a special vulnerability.

v The following procedures/measures are in place:

- In relation to any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child attending UL, members of UL will adhere to the relevant procedures set out in this Child Safeguarding Statement and Child Protection procedures and to the relevant agreed disciplinary procedures for university staff.
- In relation to the reporting of child protection concerns to Tusla, all members of UL are required to adhere to the UL Child Safeguarding Statement, including in the case of Mandated Persons reporting under the Children First Act 2015.
Please note: All child protection concerns must be channelled through the DLP, namely Srob Hickey, who is the person responsible for making reports to Tusla, An Garda Síochána, UL governing body and other external agencies.
(In the event that the concern relates to the DLP the concern must be reported to the Director, Human Resources Division).
- UL has appointed the above named DLP as the 'Relevant Person' (as defined in the Children First Act 2015) to be the first point of contact in respect of the UL Child Safeguarding Statement.
- In accordance with the Children First Act 2015, UL has carried out an assessment of any potential for harm to a child while attending UL or participating in UL activities. A written assessment setting out the areas of risk identified and the UL procedures for managing those risks is included in Section 5.3.
Note: Individual Faculties, Divisions, Departments are required to contribute to the development of the UL Child Safeguarding Statement by outlining other policies and procedures that are in place in the Faculties, Divisions, Departments to manage additional risks that have been identified by members of UL in that Faculty, Division, Department.
- This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.
- All external parties, subsidiary companies, organisations, agencies and groups engaging with children operating both within the UL campus and on behalf of UL are required to have a Child Safeguarding Statement, in line with the requirements of Children First (2017) before entering a contractual relationship with UL. All such subsidiary companies, organisations, agencies and groups will be required to furnish the UL Procurement Department and/or the DLP with a copy of their Child Safeguarding Statement.

vi **All Faculties, Divisions, Departments will ensure the following procedures/measures are in place:**

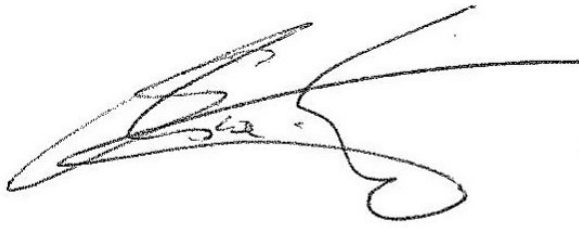
- Ensure in relation to the provision of information and, where necessary, instruction and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act):
 - A copy of the UL Child Safeguarding Statement including the risk assessment is made available to all members of the Faculty, Division, Department.
 - All members avail of appropriate training as has been identified in the risk assessment.
 - A record is maintained of training undertaken by members.
- In relation to the selection or recruitment of staff and their suitability to work with children, all Faculties, Divisions, Departments will adhere to the University vetting process and to the wider duty of care guidance set out in relevant UL recruitment procedures.

- A register of all Mandated Persons within the Faculties, Divisions, Departments is compiled, maintained and regularly updated.
- An updated copy of the register of Mandated Persons is given to the DLP as necessary.
- A senior fulltime member of staff is designated responsibility to:
 - contribute to the development of the UL Child Safeguarding Statement by outlining other policies and procedures that are in place in the Faculty, Division, Department to manage additional risks that have been identified by members of UL in that Faculty, Division, Department.
 - provide the DLP with a copy of the other policies and procedures that are in place to manage the additional risks identified.
 - review the assessment of additional risks as part of the review of the UL Child Safeguarding Statement or as soon as practicable after there has been a material change in any matter to which the Child Safeguarding Risk Assessment refers.
- The UL Child Safeguarding Statement, including the risk assessment, can be accessed via the Faculty, Division, Department website or will be made available on request to members of the Faculty, Division, Department.
- The name and contact details of the DLP are displayed prominently near the main reception area for the Faculty, Division, Department.
- All members of the Faculty, Division, Department must sign and return an 'Acceptance of the UL Child Safeguarding Statement' to the management of the Faculty, Division, Department.
- A copy of the Faculties', Division's, department's Child Safeguarding Risk Assessment statement and a full list of Mandated Persons in the relevant Faculty, Division, Department is furnished to the DLP.
- Where appropriate, the UL Child Safeguarding statement including the risk assessment is readily accessible to parents and legal guardians on request.

Note: The above is not intended as an exhaustive list. Individual Faculties, Divisions, Departments shall also include in this section such other procedures/measures that are of relevance to the Faculty, Division, Department in question.

- vii The UL Child Safeguarding statement, including the risk assessment shall be published on the UL website and will be made available to UL Governing Body and Tusla if requested.
- viii This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.
- ix The UL Governing Authority has agreed the Child Safeguarding Statement set out in this document.

The UL Child Safeguarding Statement was adopted by UL on 9th December 2024

A handwritten signature in black ink, appearing to be 'Rob Hickey', written over a faint, illegible stamp or background.

Signed:

Acting President, University of Limerick

Date: 09 December 2024

For queries, please contact: Rob Hickey T: 061202239 M: 086 1072153

Relevant Person under the Children First Act 2015.

6. RESPONSIBILITIES OF MEMBERS OF UL

General

The ultimate responsibility for the adoption and implementation of these procedures' rests with the President and the Governing Authority of UL. Adoption and implementation of these procedures campus wide can only be achieved where the management of each Faculty, Division and Department ensures full implementation the Child Safeguarding Statement

Tusla must always be notified where there is a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being harmed. Any reasonable concern or suspicion of harm to a child must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child.

The Head of each Faculty, Division and Department operating within UL must ensure that all personnel managed by them are made aware of their duties and responsibilities as outlined in these procedures and where necessary are adequately trained.

Appendix 10 of these procedures outlines the types of child abuse and how they may be recognised including neglect, emotional abuse, physical abuse, sexual abuse and bullying.

All members of UL shall familiarise themselves with these signs and symptoms of child abuse to enable them to meet their reporting obligations under these procedures. All members of UL should liaise with the DLP where they have a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect.

Designated Liaison Person (DLP)

The University of Limerick has appointed the Safety Officer as the DLP responsible for ensuring that the child protection reporting procedures within UL are followed promptly and correctly.

In the absence of the DLP the Deputy DLP (DDL) responsible for dealing with child protection concerns is the Health and Safety Technical Officer.

Under the requirements of the UL procedures the DLP/ DDL is also considered to be a Mandated Person.

The DLP is also responsible for

- Acting as a resource person to any member of UL who has a child protection concern.
- Recording all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse
- Reporting concerns or suspicions of child abuse to Tusla, An Garda Síochána and other agencies as required
- Seeking advice from Tusla in situations where the DLP is not sure whether to report the matter to Tusla or whether a report should be submitted as a mandated report
- Ensuring all relevant subsidiary companies / external parties provide him with a copy of their Child Safeguarding Statement.
- Ensuring all records relating to child protection are maintained in a safe and secure manner in accordance with the University's Records Management and Retention Policy.

- The name and contact details of the DLP and DDLP are recorded in the Child Safeguarding Statement. The name and contact details of the DLP will be displayed in a prominent position near the campus main entrance and on the UL website.
- Where an allegation or suspicion of child abuse concerns a member of UL the DLP shall also report the matter to the Director, Human Resources Division as outlined in Section 9 of this procedure.

Reasonable Grounds for Concern

In accordance with the Children First National Guidance 2017 Tusla must always be informed where there are any reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. To meet the requirements of Children First Guidance 2017 any member of UL who has such reasonable grounds for concern must inform the DLP. The DLP must then act in accordance with the procedures outlined in Section 7 and 8.

It is not necessary for any member of UL to prove that abuse has occurred - all that is required is that the person has reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that they have been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

Where a member of the UL community is unsure whether a report should be made to the DLP, they may seek advice from the DLP. Where the DLP is unsure whether to report the matter to Tusla they may seek advice from Tusla.

The guiding principles on reporting child abuse or neglect may be summarised as follows:

- a) The safety and well-being of the child must take priority over concerns about the adult against whom an allegation may be made
- b) Reports of concerns should be made without delay to Tusla / An Garda Síochána by the DLP.

If the concern or allegation arises during a work placement / teaching practice etc., the concern/allegation must also be reported to the appointed DLP in the place of work /school.

Members of UL are required to comply with the best practice (non-statutory) requirement of the Children First National Guidance 2017 and to comply with these procedures to report all reasonable concerns to the DLP regardless of where or how they arise.

In addition, Mandated Persons are required to act in accordance with their statutory requirements of the Children First Act 2015 and must follow the procedures set out in Section 7.4 if a mandated report is being made to Tusla.

Dealing with Disclosures from Children

An abused child is likely to be under severe emotional stress and may disclose abuse to any member of UL whom they feel they can trust.

Any disclosures of abuse or neglect from a child must be reported to the DLP who must in turn seek advice and/or report the matter to Tusla. It is not the role of any UL individual to judge the truth of the claims or the credibility of the child. It is the function of Tusla to investigate all concerns and disclosures.

While the involvement of Tusla may not be desired by either the child or their family, Tusla must be advised of all disclosures by children, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to Tusla's assessment of risk to another child either now or in the future.

It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child to talk about the problem, rather than interviewing the child about details of what happened.

The following advice is helpful:

DO	DO NOT
Stay calm – Do not rush into taking rash or inappropriate actions	Do not panic – or allow your feelings to be evident.
Reassure the child – That they are not to blame. Confirm that you know how difficult it must be to confide in someone. Tell them that they have done the right thing in informing or disclosing what has occurred. Reassure them that information will only be shared on a 'need to know' basis.	Do not make promises you cannot keep and never agree to keep it secret – explain that you will need to tell other people e.g., DLP
Listen sympathetically – To what the child says and show that you take them seriously. The experience of telling should be a positive one	Do not make the child repeat the story unnecessarily. Do not make any judgemental statements about the person against whom allegation is made Do not speculate or make assumptions

Be compassionate – Understand that the child has decided to tell something that is very important to them and that the child is taking a risk by disclosing what has happened to you.	Do not probe for more information than is offered
Keep questions to the minimum – The child should not be questioned unless the nature of what they say is unclear. Open, non-specific questions should be used such as “Can you explain to me what you mean by that?”	Do not ask leading questions –avoid leading questions such as who, when, where
Report the disclosure to a) the DLP b) the DLP in the host organisation if the matter relates to a concern or allegation that arises during a work placement / teaching practice etc.	Do not take sole responsibility
Make a written record immediately afterwards using, insofar as is possible, the child’s own words. The record should be signed and given to the DLP	Do not make copies of the record. The only copy should be the one supplied to the DLP.

Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of UL and there is a reasonable concern about a continuing risk to children who may be in contact with the alleged abuser revealed in such disclosures, the concern must be reported to DLP. The DLP will report the concern to Tusla / An Garda Síochána in accordance with the reporting procedures outlined in these procedures.

The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:
https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

Concerns in relation to an adult who may pose a risk to children

Sometimes concerns arise in relation to whether an adult may pose a risk to children. For example, based on known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. Any such reasonable concerns should be reported to the DLP who will contact Tusla, in accordance with the UL reporting procedures to establish whether any child is currently at risk from the individual in question. Where concerns arise as to whether an adult may pose a risk to children (even if there is no specific child named in relation

to the concern) and the DLP is not sure whether to report the matter to Tusla, the DLP shall seek advice from Tusla.

While Tusla will make every effort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to the person who reported the concern on the progress or outcome of the case. Tusla's examination can be greatly improved if the alleged victim feels able to co-operate with Tusla in its assessment or investigation.

Record Keeping

When child abuse or neglect is suspected, it is essential that a written record of all the information available is made. Therefore, members of UL reporting a concern to the DLP shall be expected to make a detailed account of:

- the grounds for the concerns (e.g., details of the allegation, dates of incidents, and description of injuries).
- signs of physical injury shall be described in detail and, if appropriate, sketched.
- any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words used, as soon as possible after the comment has been made.
- the names, if known, of who is allegedly harming the child or not caring for them appropriately should also be recorded.

All written records should be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record.

All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the DLP.

Records made by members of the UL community will be passed onto Tusla if a referral is made. Consequently, members of the UL community may subsequently be invited to attend at a child protection conference or any proceedings where the matter is being investigated.

The DLP should be knowledgeable about child protection and should be provided with any training considered necessary to fulfil this role. Section 7 and 8 of these procedures outline the specific actions to be taken by the DLP in relation to the reporting of any concerns about a child including those in respect of joint mandated reporting.

6.1.1 Informing Parents

It is the responsibility of the DLP, who is submitting a report to Tusla or An Garda Síochána, to inform the parent/legal guardian of the child that a report is being made and the reasons for the decision to report. In cases, where a Mandated Person is submitting a report to Tusla, it is the DLP, rather than the Mandated Person concerned, who shall assume the responsibility for informing the parent/legal guardian. However, it is not necessary to inform a parent/legal guardian that a report is being made:

- if by doing so, the child will be placed at further risk or

- in cases where the family’s knowledge of the report could impair Tusla’s ability to carry out a risk assessment or
- if the reporter is of the reasonable opinion that by doing so it may place the reporter at risk of harm from the family.

A record shall be made, by the DLP, of the information communicated to the parent/legal guardian. A decision not to inform a parent/legal guardian shall be briefly recorded, by the DLP, together with the reasons for not doing so.

Important note. Where the DLP has any doubt as to whether to inform a parent/legal guardian that a report is being made the DLP shall seek the advice of Tusla.

6.1.2 Reporting to UL Management

The DLP must report to the Director, Human Resources Division as soon as possible in the event that an allegation of abuse is made against any UL staff member, volunteer, contractor or visitor whether or not the matter is being reported to Tusla / An Garda Síochána. Allegations of abuse made against a UL student must be reported to the Provost and Deputy President.

A child protection report, including a child protection concern that arises from alleged bullying behaviour involving children, is made to Tusla or An Garda Síochána as appropriate.

It is the responsibility of the Director, Human Resources Division or the Provost and Deputy President to report any such matters to the UL President and/or other members of UL as appropriate.

Please Note: In the interest of protecting the anonymity of the child, no details of the case should be disclosed to the Executive Committee or any member of UL unless there are issues, which need to be addressed directly by them.

Relevant Person

The University of Limerick has also appointed the DLP as the “Relevant Person” under section 11 of the Children First Act, 2015 for the purposes of being the first point of contact in respect of the University’s Child Safeguarding Statement.

MANDATED PERSONS

Statutory Obligations of Mandated Persons

Mandated Persons have two main legal obligations under the Children First Act 2015. These are:

1. To report concerns of harm to Tusla, where a Mandated Person has reason to believe that a child is being harmed, has been harmed or is at risk of being harmed.
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

Who is a Mandated Person?

Mandated Persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated Persons include professionals working with children in the education, health, justice, youth and childcare sectors.

The Schedule of Mandated Persons under the Children First Act 2015 is available in Appendix 7 of these procedures.

Threshold of Harm

Under the Children First Act 2015 the threshold of harm, at which a report must be submitted to Tusla by a Mandated Person, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being “harmed”.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect they shall, without delay, report the matter to the DLP.

The thresholds of harm for each category of abuse at which Mandated Persons have a legal obligation to make mandated reports are as follows:

Neglect The threshold of harm at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Emotional Abuse/Ill-Treatment The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Physical Abuse The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Sexual Abuse A threshold does not apply as all sexual abuse falls within the category of seriously affecting a child’s health, welfare or development. If a Mandated Person knows, believes or has

reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then the Mandated Person must make a mandated report to Tusla.

Sexual abuse is an offence against the child as specified in Schedule 3 of the 2015 Act and which schedule is reproduced in Appendix 9 of these procedures.

Important note: As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one exception, which deals with certain sexual activity between older teenagers, which is outlined in section 7.6 of these procedures.

Reporting procedures made by Mandated Members of UL

Under the Children First Act, 2015, all Mandated Persons that have concerns about a child or who receive a disclosure that meets or exceeds the threshold of harm (see Section 7.3) have a statutory obligation to make a report to Tusla.

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. However, a Mandated Person who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

The statutory obligation to make a mandated report under the Act applies only to information that a Mandated Person acquires during their employment or profession as such a Mandated Person. It does not apply to information acquired outside of their work, or information given to him or her on the basis of a personal rather than a professional relationship.

Note: In UL all child protection concerns must be channelled through the DLP therefore it is imperative that all concerns or disclosures (whether brought by Mandated or Non-Mandated persons) are brought to the attention of the DLP.

6.1.3 UL Joint Reporting Procedures

The following joint reporting procedures apply to all Mandated Persons in UL.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect they shall without delay, report the matter to the DLP.

The DLP shall:

- request a written record from the member of UL making a child protection report to them as outlined in Section 6.4 and Section 6.5 of these procedures.
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

If the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the DLP must also be advised to report the concern/ disclosure to the appointed DLP in the place of work /school.

The DLP and the Mandated Person must consider whether there are reasonable grounds for concern (as described in these procedures) about the welfare and protection of the child.

If the DLP and the Mandated Person both agree that the concern is at or above the defined threshold of harm (see Section 7.3) at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report jointly by the DLP and the Mandated Person concerned using the Tusla report form.

Where the DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the DLP shall seek advice from Tusla. The DLP shall inform the Mandated Person concerned that such advice is being sought and shall, when received, inform the Mandated Person of the advice provided.

Where Tusla advises that a mandated report should be made, the DLP and the Mandated Person concerned shall act on that advice and a mandated report shall, as soon as practicable, be submitted to Tusla jointly by the DLP and the Mandated Person concerned in accordance with these procedures.

In any case (including where the DLP has sought and considered the advice of Tusla) where the DLP and the Mandated Person are both satisfied that the concern is not at or above the defined threshold of harm for a mandated report but both consider that it constitutes reasonable grounds for concern (as described in Section 6.3 of these procedures) the DLP shall as soon as practicable, report the concern to Tusla in accordance with these procedures. In such cases, the Mandated Person is not required to submit a report to Tusla.

In any case (including where the DLP has sought and considered the advice of Tusla) where either the DLP or the Mandated Person, has any remaining doubt as to whether the concern is at or above the defined threshold of harm for a mandated report, the DLP or the Mandated Person (or both where applicable) shall submit the report to Tusla as a mandated report in accordance with the reporting procedures.

The Tusla report form, available on the Tusla website www.tusla.ie, shall be completed as comprehensively as possible and indicate, in the manner required that it is a mandated report under the Children First Act, 2015.

Please Note: The Tusla report form can be filled in and submitted online. However it is imperative that a copy of the form is printed off and stored securely by the DLP.

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse. Mandated Persons are not required to report the same concern more than once. However, if a Mandated Person becomes aware of any additional information a further report shall be made.

In an urgent situation where there is an immediate risk to a child a report can be submitted to Tusla or An Garda Síochána by phone or email. However the Tusla report form must be completed and returned to Tusla within three days. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay.

Local Contact Numbers for An Garda Síochána include Henry Street Garda Station, (061) 212 400 or 999/112.

6.1.4 Decision Not to Report

Where the DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report to Tusla, the DLP shall:

- Advise the Mandated Person that it remains open to that person to seek advice from Tusla and to report his or her concern, or to report that concern as a mandated report to Tusla where they still consider that such a report is warranted.
- Give the Mandated Person a clear statement in writing as to the reasons why action is not being taken and a copy of that statement shall be retained by the DLP. If, in such circumstances, the Mandated Person decides to report the concern to Tusla they shall provide a copy of that report to the DLP. Where that report concerns a member of UL personnel, the DLP shall inform the Director, Human Resources Division.

Exceptions from the Obligation to Make a Mandated Report

A Mandated Person is not required to make a report where the sole basis for his or her knowledge, belief or suspicion of harm is as a result of information they have acquired, received or become aware of

- from another Mandated Person that that Mandated Person has made a report to Tusla in respect of the child concerned or
- from a person other than a Mandated Person, who has reported jointly with a Mandated Person that that person has made a report to Tusla in respect of the child concerned, or
- pursuant to assisting Tusla in assessing a concern when requested to do so by Tusla in accordance with the Children First Act 2015.

Certain Underage Sexual Activity

Under the Criminal Law (Sexual Offences) Act, 2006 the legal age of consent is 17 years. A sexual relationship where one or both parties is under 17 years of age is illegal. However, a Mandated Person is exempted from making a mandated report to Tusla in relation to underage sexual activity where certain specified criteria are met. Section 14(3) of the Children First Act, 2015 sets out this exemption from reporting underage sexual activity. It provides that if a Mandated Person is satisfied that all of the following criteria are met *then a report to Tusla is not required*:

- The child concerned is aged between 15 and 17 years old.
- The age difference between him or her and the other party to the sexual activity is not more than 24 months.
- There is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned.
- The relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party and
- The child concerned makes known to the Mandated Person that they do not want any information about the activity to be disclosed to Tusla.

In effect, this means that if all the above criteria are met, Mandated Persons do not have a statutory obligation to make a mandated report to Tusla in respect of sexual activity between such older children. However, it should be noted that the above exemption does not apply where a child believes that they have been harmed, is being harmed or is at risk of being harmed and discloses that belief to the Mandated Person. In addition, all persons, including Mandated Persons, must uphold the key principle that the welfare of the child is paramount and if a Mandated Person has any concerns, even

where all the above criteria are met, a report can still be made to Tusla. In such cases, the reporting procedures shall be followed.

Consequences of Non-Reporting

The Children First Act, 2015 does not impose criminal sanctions on Mandated Persons who fail to make a report to Tusla. However, there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that a mandated report was not made and a child was subsequently left at risk or harmed.

In that regard Tusla may:

- make a complaint to the Fitness to Practise Committee of a regulatory body of which the Mandated Person is a member
- pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to current or future employers when the Mandated Person is next vetted.

Mandated Assisting

Tusla may request a Mandated Person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. There is a statutory obligation on all Mandated Persons to comply, as soon as practicable, with a request made by Tusla in accordance section 16(1) of the Children First Act, 2015. This obligation applies regardless of who made the mandated report.

Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. Further information about mandated assistance, including Tusla's protocol for requesting such assistance, can be found on Tusla's website www.tusla.ie.

A Mandated Person who shares information with Tusla pursuant to a mandated assistance request made by Tusla in accordance with section 16(1) of the Act, is protected from civil liability in relation to the sharing of that information with Tusla.

7. REPORTING PROCEDURE FOR NON-MANDATED MEMBERS OF UL.

If a member of the UL community receives an allegation or has a suspicion that a child may have been abused or neglected, or is being abused or neglected, or is at risk of abuse or neglect they shall, without delay, report the matter to the DLP.

The UL Child Safeguarding Statement requires that all concerns are channelled by members of UL through the DLP. It is the responsibility of the DLP to get advice and/or make a report to Tusla and/or An Garda Síochána.

Accordingly, the DLP will

- request a written record from the UL person making a child protection report to them.
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

In the event that the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the Designated Liaison Person must be advised to also report the concern/ disclosure to the appointed DLP in the place of work /school.

Reporting to Tusla / An Garda Síochána

If the DLP is satisfied that there are reasonable grounds for the suspicion or allegation then he will report the matter to Tusla immediately. The reporting of all suspicions or allegations of child abuse must be made to the appropriate officials in Tusla – normally the social work department that deals with child protection issues in the area where the child resides.

The local Limerick contact details for making referrals are:

Tusla- The Child and Family Agency, Duty Social Work Team, Roxtown Health Centre, Old Clare St., Limerick. T: 061 483097 or 061 483098.

Contact details of the local frontline services to children and families in each county if the child's residence is not in Limerick can be found at:

<https://www.tusla.ie/children-first/contact-a-social-worker3/>

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse.

In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted immediately. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending intervention.

Emergency numbers 999 or 112 via mobile. Henry Street Garda Station in Limerick, phone (061) 212 400

The DLP will be required to complete and forward the reporting form to Tusla as soon as possible after making the initial referral (whether made initially in person, by phone or in writing to either Tusla or An Garda Síochána). A copy of the Tulsa report forms are available in Appendix 3 and 4 to this procedure.

Although all information requested might not be available to the person making a report, the forms must be completed as comprehensively as possible.

Seeking Advice from Tusla

The DLP should seek advice from Tusla in all situations where they are not sure whether to report the matter to Tusla or whether the matter should be reported as a mandated report.

Advice should be sought from the child and family services where the child resides. In consulting Tusla, the DLP shall be explicit that they request advice and consultation and that they are not making a report. At this informal stage the DLP need not give details that could identify the child.

Details of who to contact to discuss concerns with can be found on the Tusla website (www.tusla.ie). In all cases the DLP shall retain a record of the consultation with Tusla, which should note the date, the name of the official and the advice given.

Decision Not to Report

If the DLP decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The person who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The person who raised the concern should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána. In the event that a person makes a report to Tusla or An Garda Síochána, they shall provide a copy of the report to the DLP.

8. DEALING WITH ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE MADE AGAINST A MEMBER OF THE UL COMMUNITY.

Introduction

This section is intended to provide guidance to management in situations where an allegation of abuse or neglect is made against a member of the UL community. It is important to note that 'a member of UL' is a generic term to encompass all employees, contractors, students and volunteers.

While the most important consideration is the protection of children, and their safety and well-being must be the priority, UL also has a duty and responsibility in respect of all members of UL. While priority must be given to the rights and interests of children, UL management must ensure that any person against whom an allegation is made have their rights respected.

In the context of allegations or suspicions of child abuse or neglect regarding a member of the UL community, the primary goal is to protect the child. However, any member of the UL community may be subject to erroneous or malicious allegations. Therefore, any allegation of abuse or neglect shall be dealt with sensitivity. Support including counselling shall be provided for personnel where necessary. Personnel shall be treated fairly which includes the right not to be judged inappropriately.

In dealing with any concerns or allegations of abuse, involving a member of UL, management should also be aware of and comply with employment legislation and other appropriate employee/student relations policies such as agreed grievance and disciplinary procedures.

Protocol Authorising Immediate Action.

The Provost and Deputy President or their nominee is authorised by UL to take immediate action on behalf of UL, to deal with any UL student against whom an allegation or concern is made.

The Director, Human Resources Division or their nominee, is authorised by UL to take immediate action, on behalf of UL, to deal with any member of UL excluding students against whom an allegation or concern is made.

Under the protocol authorising immediate action the Provost and Deputy President President Global and Community Engagement or the Director, Human Resources Division is required to seek legal advice and to consult with Tusla and/or An Garda Síochána and other agencies/ professional personnel as may be necessary to enable him to decide what action should be taken in the immediate aftermath of an allegation being made against a member of UL.

Required action will be conducted in accordance with Statute No. 4 of the University of Limerick Employee Disciplinary Matters of Termination of Employment or the student Code of Conduct of the University as appropriate.

Allegations or Concerns Involving Members of UL

Members of the UL community who receive allegations of abuse or neglect against another member of the UL community or who themselves have concerns of abuse or neglect being perpetrated by a member of the UL community shall report the matter without delay to the DLP. In such cases, the DLP shall follow the procedures set out in Section 6 and Section 7 for dealing with the allegation or concern. In addition, the procedures in Section 9 shall be followed.

If the allegation or concern relates to the DLP the matter should be reported, without delay, to the Director, Human Resources Division. In such cases, the Director, Human Resources Division shall follow the procedures set out in Section 6 and Section 7 for dealing with the allegation or concern. In addition, the procedures in Section 9 shall be followed.

All child protection concerns, or disclosures reported to the DLP by non-Mandated Persons must be dealt with in accordance with the following procedures with due regard to confidentiality as outlined in Section 8.

Procedures to be Followed

If an allegation is made against any member of UL, there are two procedures to be followed:

- a) the reporting procedure in respect of the allegation/suspicion.
- b) the procedure for dealing with the person against whom the allegation is made.

CONTINUE TO THE ***PROCEDURES TO BE FOLLOWED*** ALGORITHM ON THE NEXT PAGE

Child Safeguarding Management Process

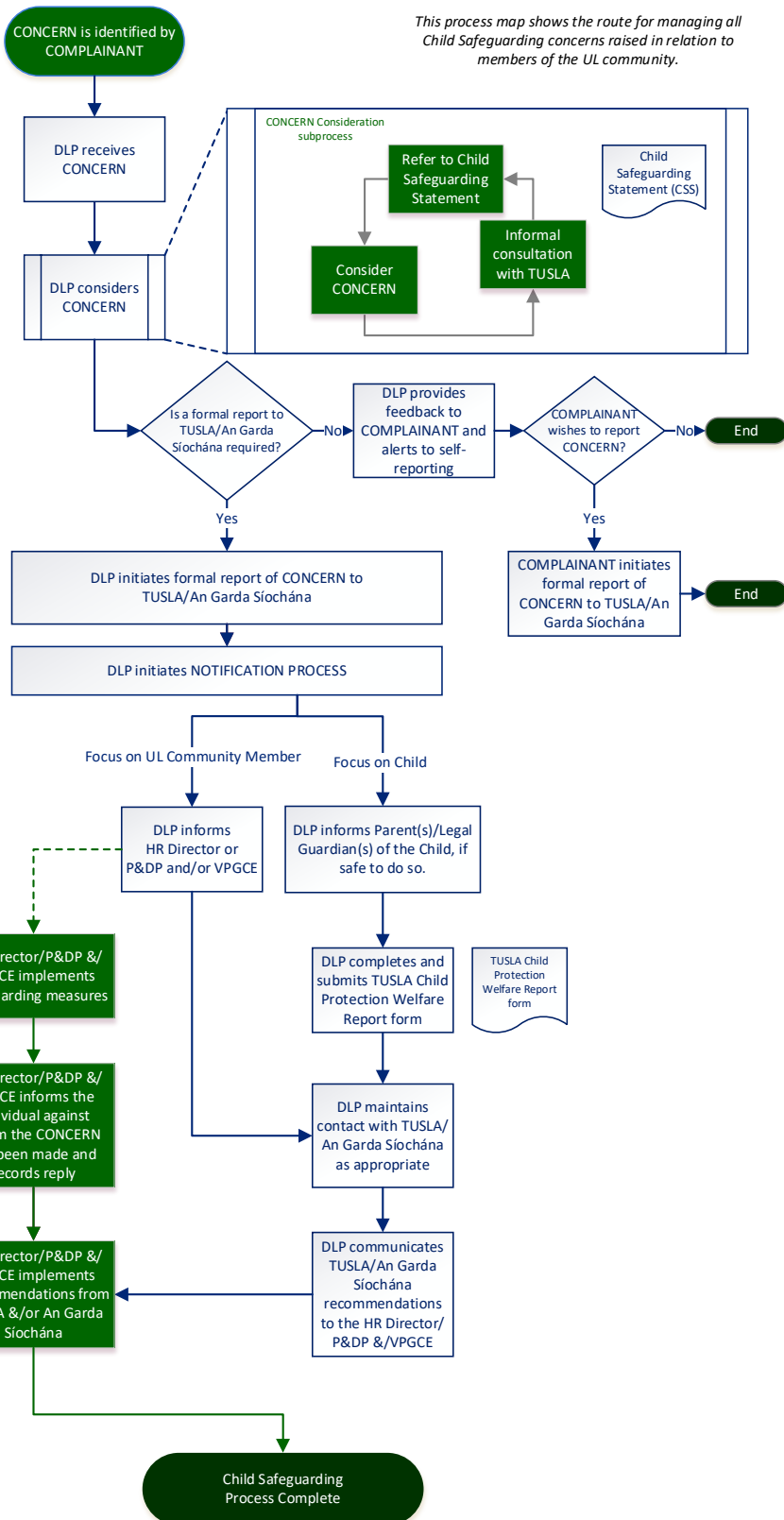
This process map shows the route for managing all Child Safeguarding concerns raised in relation to members of the UL community.

A CONCERN of Child Welfare is not limited by time (it can be current or retrospective), geographical location (it can occur on or off campus) nor by status of that whom the CONCERN relates to (it can relate to staff, students, contractors or visitors).

CONCERN can be communicated verbally or in written format to the Designated Liasion Person (DLP).
DLP will meet the COMPLAINANT.

As part of the consideration process the DLP refers to the Child Safeguarding Statement (CSS) to determine whether the CONCERN meets reasonable grounds for concern. Informal consultation with TUSLA may also occur to inform the consideration & decision process. Anonymity of all parties is prioritised.

DLP prepares feedback to the COMPLAINANT identified in a written REPORT outlining the reasons why the CONCERN will not be submitted as a formal report to TUSLA by UL. The REPORT will include advice, if the COMPLAINANT wishes to report their concern to TUSLA/An Garda Síochána themselves.



DLP informs the Director of HR in the case of staff, Service Provider or visitor, and the Provost, Deputy President and the Vice President Global and Community Engagement in the case of students as appropriate.

Implementation of recommendations will be informed by UL internal procedures

In general, the same person shall not have responsibility for dealing with both procedures. The DLP is responsible for reporting the matter to Tusla and/or An Garda Síochána while the Director, Human Resources Division, or his nominee is responsible for addressing the appropriate procedural / reporting issues applicable in respect of a member of UL.

The DLP shall:

- Seek advice from Tusla / Gardai in relation to the risk to children.
- immediately act in accordance with the procedures outlined in Section 6 ,7 and 9 of these procedures regarding getting a written statement, reporting to Tusla and informing parents.
- always inform the Director, Human Resources Division, or his nominee, where the matter involves an allegation or concern made against a member of UL.

The Director, Human Resources Division or his nominee, shall:

- a) seek legal advice as circumstances can vary from one case to another and it is not possible in these procedures to address every scenario.
- b) Arrange to privately inform the person against whom the allegation was made of the following:
 - the fact that an allegation has been made against them.
 - the nature of the allegation.
 - whether or not the matter has been reported to Tusla.
- c) provide a copy of the written record and/or allegation, and any other related documentation to the person against whom the allegation is made – having due regard to ensuring that appropriate measures are in place to protect the child.
- d) If, following the advice offered at a), the nature of the allegation warrants immediate action the Director, Human Resources Division, or his nominee, shall direct the person against whom the allegation is made to absent himself/herself from the Faculty/Division, Department or campus with immediate effect.

Where the Director, Human Resources Division, or his nominee, has directed a member of UL to absent himself/herself from the Faculty /Division, Department or campus with immediate effect, such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made.

Where such an absence involves a paid employee, the appropriate HR Division department of UL shall be contacted immediately regarding:

- formal approval for the payment of remuneration or ex-gratia payments in lieu of remuneration as appropriate, and
- if appropriate, sanction for the employment of a temporary employee where necessary.

At all stages it should be remembered that the priority is to ensure that no child is exposed to unnecessary risk. The Director, Human Resources Division shall, as a matter of urgency, ensure that any necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the person against whom the allegation is made, financially or otherwise, unless necessary to protect children. Where protective measures penalise the person against whom the allegation is made, it is important that early consideration be given to the case.

It is always essential that the matter is treated in the strictest confidence and that the identity of the person against whom the allegation is made shall not be disclosed inappropriately, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to address and/or be represented to management.

The principles of natural justice, the presumption of innocence and fair procedures shall be adhered to. It is very important to note that the actions described here are intended to be precautionary and not disciplinary.

Please note: Where the allegation/suspicion relates to the DLP, the Director, Human Resources Division shall assume the responsibility for seeking advice from Tusla and/or for reporting the matter to Tusla.

Where an allegation or suspicion of child abuse or neglect regarding a member of the Governing Authority has been reported to Tusla, the Director, Human Resources Division shall inform the Chancellor that a report involving a member of the Governing Authority has been submitted to Tusla. It is a matter for the Chancellor to determine if any action is necessary regarding the member's continued role on UL management.

Right of Reply

Once the matter has been reported to the person against whom the allegation is made, they shall be offered the opportunity to respond to the allegation in writing to the Director, Human Resources Division within a specified period. That person shall be told that his/her explanation to the Director, Human Resources Division shall also be passed on to Tusla and/or Gardaí as appropriate.

Feedback from Tusla and Further Follow Up

The Designated Liaison Person will request information on the progress of a child abuse investigation involving a member of UL. The President should be notified of the outcome of the Tusla and Garda investigations. This will assist management in reaching a decision about the action to be taken in the longer term concerning the person against whom the allegation was made.

The President and other members of UL must ensure that actions taken by them do not undermine or frustrate any assessment/investigation being conducted by Tusla and/or An Garda Síochána. In order to achieve that close liaison with these authorities must be maintained.

Any further follow up action required shall accord with established UL disciplinary statutes and shall only be made following consultation with Tusla (and An Garda Síochána if involved).

Appendix 1: The Role of Tusla and An Garda Síochána

The Role of Tusla

The specific role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Under the Child Care Act 1991, Tusla is obliged to coordinate information from all relevant sources about a child who may not be receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children.

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow. If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential file where it will be examined if further concerns or more information comes to light.

Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Each team deals with the concerns that arise in its specific geographical area by reference to the home address of the child. You can find contact details for each team on the Tusla website (www.tusla.ie).

If it is decided that a social work assessment is needed, the social worker will contact the family to ask for their cooperation in carrying out an examination of the child's and family's needs. The aim is to work in cooperation with parents or legal guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. Further information on this process is contained in Chapter 5 of Children First 2017 available at <http://www.tusla.ie/children-first/children-first-2017>.

Tusla will normally acknowledge reports made to it and may contact the person who made the report for further information, if necessary. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform those that report of the progress or outcome of Tusla's contact with the child or family, unless that person is involved in discussions around family support or child protection plans.

The Role of An Garda Síochána

The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on and carry out prosecutions.

*The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work on a full-time, part-time, voluntary or student placement basis with children and/or vulnerable persons. The National Vetting Bureau does **not** decide on the suitability of any person to work with children and vulnerable persons. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment rest at all times with the recruiting organisation, and the results of vetting should form only one part of the recruitment decision.*

Joint Working Between Tusla and An Garda Síochána

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay. The specific focus of An Garda Síochána concerning child abuse and neglect is on preserving life; vindicating the human rights of each individual; and preventing, investigating and detecting criminal offences. On the basis of the investigation, An Garda Síochána may prepare a file for the Director of Public Prosecutions, who will decide whether to initiate a prosecution.

Where a child is at immediate risk of harm, Tusla and An Síochána will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible. An emergency out-of-hours social work service provides social work consultation and advice to the Gardaí. The Gardaí have access to an on-call social worker and placements for children who need them due to the immediate risk to their safety. Tusla has a network of emergency foster carers available to receive a child removed from their family in an emergency.

If, in the course of their duties, the Gardaí become aware of a child welfare and protection concern, it should be formally reported to Tusla. As members of An Garda Síochána are Mandated Persons under the Children First Act 2015, if the concern is at or above the threshold of a mandated concern, this should be reported to Tusla, as outlined in Chapter 3 of this Guidance.

A protocol (Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns. This protocol specifically covers the formal communication required between the two agencies about notifications of child welfare or protection concerns, and record keeping about joint working and recording of decisions. You can find this protocol on the websites of both agencies (www.tusla.ie and www.garda.ie).

Appendix 2: Additional Child Safeguarding Risk Assessment Template for Faculties/ Divisions/ Departments.

Carrying Out a Risk Assessment

In order to comply with the statutory obligations all UL Faculties, Divisions, Departments are required to contribute to the UL Child Safeguarding Risk Assessment process by appointing a senior fulltime member of staff to review on a 24-month basis the overarching UL Risk Assessment and to:

- identify additional risks (not already identified in the overarching UL Child Safeguarding Risk Assessment) and the procedures / policies that are in place in the Faculty / Division / Department to manage those risks
- notify the DLP of the additional risks and the procedures / policies that are in place to manage those risks.

The DLP must then include additional risks identified and the procedures to manage them in the overarching UL Child Safeguarding Risk Assessment. The risk assessment process is intended to enable Faculties, Divisions, Departments to:

- Identify potential risks.
- Develop policies and procedures to minimise risk by responding in a timely manner to potential risks.
- Review whether adequate precautions have been taken to eliminate or reduce these risks.

Activity / Practice	Risk of harm identified in respect of this activity /practice	Procedures / policy in place to address the risks of harm identified in this activity / practice

Important Note: It should be noted that risk in the context of this risk assessment is the risk of “harm” as defined in the Children First Act 2015 and not general health and safety risk.

This additional risk assessment has been completed by _____ (insert name of person) on behalf of the Faculty / Division, Department on [date].

It shall be reviewed as part of the annual review of its Child Safeguarding Statement.


Signed _____ Date _____

Add name and title of Faculty, Division, Department signatory.

Appendix 3: Tusla Child Protection and Welfare Report Form

Form can be downloaded at:

https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

 <small>An Ghníomhaireacht um Leasú agus an Teaghlach Child and Family Agency</small>	
<h3 style="margin: 0;">Child Protection and Welfare Report Form</h3> <p style="margin: 0; font-size: small;">MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)</p>	
Is this a Mandated Report made under Sec 14, Children First Act 2015?*	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Mandated Person's Type	
7. Details of Other Persons Where a Joint Report is Being Made	
First Name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position Held
	Mobile No.
	Telephone No.
Eircode	Email Address
First Name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position Held
	Mobile No.
	Telephone No.
Eircode	Email Address
8. Parents Aware of Report	
Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:	
9. Relationships	
Details of Mother	
First Name	Surname
Address	Mobile No.
	Telephone No.
	Email Address
	Eircode
Is the Mother a Legal Guardian?*	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Details of Father	
First Name	Surname
Address	Mobile No.
	Telephone No.
	Email Address
	Eircode

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.

Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by			
First Name	Surname	Date	

Mandated Report Acknowledgement by

Child Protection and Welfare Report Form

*MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)*

First Name		Surname		Date Sent	
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Authorised Person Signature*	
Date*	

Child Previously Known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated Case No				

Appendix 4 Tusla Retrospective Abuse Report Form

Form is available to download at:

https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

 <small>An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency</small>			
<h3 style="margin: 0;">Retrospective Abuse Report Form</h3> <p style="margin: 0; font-weight: normal; color: #0070C0;">MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)</p>			
<p>Use block letters when filling out this form. Fields marked with an * are mandatory.</p>			
1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*	<input style="width: 95%;" type="text"/>		
2. Date of report*	<input style="width: 95%;" type="text"/>		
3. Date information was received by reporter*	<input style="width: 95%;" type="text"/>		
4. Reporter details if third party*			
First name	<input style="width: 95%;" type="text"/>	Surname	<input style="width: 95%;" type="text"/>
Address if reporting in a professional capacity, please use your professional address	<input style="width: 95%;" type="text"/>	Organisation	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Position held	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Mobile no.	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Telephone no.	<input style="width: 95%;" type="text"/>
Eircode	<input style="width: 95%;" type="text"/>	Email address	<input style="width: 95%;" type="text"/>
Reporter's relationship to adult complainant <input style="width: 95%;" type="text"/>			
Is this a mandated report made under Sec 14, Children First Act 2015?* Yes <input type="checkbox"/> No <input type="checkbox"/>			
Mandated person's type <input style="width: 95%;" type="text"/>			
5. Details of other persons where a joint report is being made			
First Name	<input style="width: 95%;" type="text"/>	Surname	<input style="width: 95%;" type="text"/>
Address if reporting in a professional capacity, please use your professional address	<input style="width: 95%;" type="text"/>	Organisation	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Position Held	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Mobile No.	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Telephone No.	<input style="width: 95%;" type="text"/>
Eircode	<input style="width: 95%;" type="text"/>	Email Address	<input style="width: 95%;" type="text"/>
First Name	<input style="width: 95%;" type="text"/>	Surname	<input style="width: 95%;" type="text"/>
Address if reporting in a professional capacity, please use your professional address	<input style="width: 95%;" type="text"/>	Organisation	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Position Held	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Mobile No.	<input style="width: 95%;" type="text"/>
	<input style="width: 95%;" type="text"/>	Telephone No.	<input style="width: 95%;" type="text"/>
Eircode	<input style="width: 95%;" type="text"/>	Email Address	<input style="width: 95%;" type="text"/>

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

6. Details of person disclosing abuse (adult complainant)*

First name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Previous address, if known	
Eircode			

7. Type of abuse being reported*

Emotional abuse	<input type="checkbox"/>	Physical abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual abuse	<input type="checkbox"/>

8. Details and description of alleged abuse*

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

Further detail (include, if known, age of adult complainant at time of abuse, age of PSAA at time of abuse). Please attach additional sheets if necessary.

9. Details of person subject to allegations of abuse (PSAA)

First name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Mobile no.	
		Telephone no.	
Eircode		Email address	
Occupation			

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

10. Details of PSAA's social and employment status

--

11. PSAA household composition

First name	Surname	Relationship	Date of birth	Estimated age	Additional information, e.g. school, occupation, etc.

12. Does the PSAA have contact with children?*

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If Yes, please complete information below. If No, proceed to 11.

Details of child			
First name		Surname	
Address		Mobile no.	
		Telephone no.	
		Email address	
		Date of birth	
Eircode		Age	
Parent/carers' names		Parent/carers' names	
Relationship to adult complainant		Relationship to PSAA	
Frequency of contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
		Unknown	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please provide detail:

--

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please provide detail:

--

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

15. Based on information known at this time, has a report been made to An Garda Síochána?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Garda name:	<input type="text"/>	Telephone no.	<input type="text"/>		
Garda district:	<input type="text"/>	Email:	<input type="text"/>		
Address:	<input type="text"/>	PULSE ID number:	<input type="text"/>		
		Date notification made:	<input type="text"/>		
Eircode	<input type="text"/>	Date report made	<input type="text"/>		

16. Is the PSAA aware of this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide further details: <input type="text"/>				

17. Any additional information	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide any further information that will assist Tusla in assessing and prioritising this report: <input type="text"/>				

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

Please ensure you have indicated if this is a mandated report in section 2.
Thank you for completing the report form.

18. For completion by Tusla authorised person on receipt of report

Report received by			
First name	<input type="text"/>	Surname	<input type="text"/>
Date	<input type="text"/>		

Mandated report acknowledgement by			
First name	<input type="text"/>	Surname	<input type="text"/>
Date sent	<input type="text"/>		

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Authorised person signature*				
Date*				
Child previously known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated case no				

Appendix 5: Checklist for Review of the Child Safeguarding Statement

The UL Child Safeguarding Statement will be reviewed every 24 months.

The DLP is the “Relevant Person” appointed by UL. Relevant Faculties, Divisions, Departments undertake an annual review of their Child Safeguarding Risk Assessment as part of the overall UL review of its Child Safeguarding Statement.

The following checklist shall be used in undertaking this review.

The Governing Body	Yes/No
1. Have any members of the Governing Body completed child protection training as required under the UL Safeguarding statement?	
2. Has the Governing Body appointed a DLP and a DDLP?	
3. Is the Governing Body satisfied that all appropriate actions are being or have been taken in respect of any member of the UL community against whom an allegation of abuse or neglect has been made?	
4. Has the Governing Body ensured that the DLP department has been provided with the Child Safeguarding Risk Assessment of each of the Faculties, Divisions, Departments?	
5. Is the Governing Body satisfied that it has been informed of any child protection reports made by the DLP?	
6. Is the Governing Body satisfied that the child protection procedures in relation to the making of reports by the DLP were appropriately followed?	
7. Is management satisfied that it has been informed of any cases where an allegation of abuse or neglect was made against any member of UL?	
8. Is management satisfied that all appropriate actions are being or have been taken in respect of any member of UL against whom an allegation of abuse or neglect has been made?	
9. Is the Governing Body satisfied that all records relating to child protection are appropriately filed and stored securely?	
10. Has the Child Safeguarding Risk Assessment been developed in accordance with the ‘UL Child Safeguarding Statement’?	
11. Where appropriate, has management ensured that the UL Child Safeguarding Statement, including the Risk Assessment, is readily accessible to parents / legal guardians?	
12. Has management considered and addressed any complaints or suggestions for improvements regarding the UL Child Safeguarding Risk Assessment?	
13. Is management satisfied that the ‘UL Child Safeguarding Statement is being fully and adequately implemented by all members of UL?	

Signed _____

Date _____

Title _____

All Faculties, Divisions, Departments

Each Faculty, Division, Department must complete and return the following checklist to the DLP as part of the annual review of the UL Child safeguarding Statement.

Individual Faculties, Divisions, Departments shall include other items in the checklist that are of relevance to the faculty, division, department in question.

For All Faculties, Divisions, Departments	Yes/No
1. Has the Faculty, Division, Department formally adopted, without modification, the 'UL Child Safeguarding Statement'?	
2. Have all Faculty, Division, Department members signed the ' <i>Acceptance of the UL Child Safeguarding Statement</i> '?	
3. Have members of the Faculty, Division, Department management attended child protection training as required by the UL Child Safeguarding Statement.	
4. Is the register of Mandated Persons for the Faculty, Division, Department compiled and up to date?	
5. Has an updated copy of the register of Mandated Persons been given to the DLP?	
6. Is there a procedure in place to communicate the UL Child Safeguarding Statement including the Risk Assessment, to all members?	
7. Is management satisfied that all personnel have been made aware of their responsibilities under the UL Safeguarding Statement and the Children First Act 2015?	
8. Has management ensured that the DLP has been provided with the Faculty, Division, Department's Child Safeguarding Risk Assessment annual review and update?	
9. Is management satisfied that the statutory requirements for vetting have been met in respect of all members of the Faculty, Division, Department?	
10. Is management satisfied that, from a child protection perspective, thorough recruitment and selection procedures are applied by the Faculty, Division, Department in relation to all members of the community?	
11. Is management satisfied that the 'UL Child Safeguarding Statement is being fully adequately implemented by the Faculty, Division, Department?	
12. Has management identified any aspects of the UL Child Safeguarding Risk Assessment that require amending or further improvement?	
13. Has management put in place an action plan containing appropriate timelines to address those aspects of the Faculty's, Division's, Department's Child Safeguarding Risk Assessment and/or its implementation that have been identified as requiring amending or further improvement ?	
14. Has management ensured that any areas for improvement that were identified in any previous review of the Faculty's, Division's, department's Child Safeguarding Risk Assessment have been adequately addressed?	

Signed _____ Date _____

Title _____

Appendix 6: Schedule of Relevant Services under The Children First Act 2015

Schedule 1 of the Children First Act 2015 defines Relevant Services as:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - (b) a school or centre of education, both within the meaning of the Education Act 1998,
 - (c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children, (d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
 - (e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - (f) a children detention school within the meaning of section 3 of the Children Act 2001,
 - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person into contact with a child.

8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or legal guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with children.

Appendix 7: Schedule of Mandated Persons under The Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter.
 - (b) manager of homeless provision or emergency accommodation facility.
 - (c) manager of asylum seeker accommodation (direct provision) centre.
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas.
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies.
 - (f) manager of a language school or other recreational school where children reside away from home.
 - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court.

- (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children.
 - (j) childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
 - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
17. Foster carer registered with the Agency.
18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 8: Relevant Legislation

Child Care Act 1991

This is the key piece of legislation, which regulates childcare policy in Ireland. Under this act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The childcare act also sets out the statutory framework for taking children into care, if necessary.

Non-Fatal Offences Against The Person Act 1997

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. The act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the children first act.

It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 and accordingly information on such an offence must be notified to An Garda Síochána.

Protections for Persons Reporting Child Abuse Act 1998

This act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí if the report is made in good faith and is not malicious. Designated officers also include persons authorised by the chief executive officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the children first act 2015.

This legal protection means that even if a person reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child's best interests, may also be protected under common law by the defence of qualified privilege.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of An Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

A full list of persons in Tusla and the HSE, who are designated officers under the 1998 Act, can be found on the website of each agency (www.tusla.ie and www.hse.ie).

Criminal Justice Act 2006

Reckless Endangerment

Section 176 of this act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

Criminal Justice (Withholding of Information on Offences Against Children And Vulnerable Persons) Act 2012

Under this act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and they have information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the withholding legislation are in addition to any reporting requirements under the children first act 2015. Accordingly, it is very important to note that -

- The fact that a member of UL has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the children first act, 2015 does not absolve that person of his or her statutory obligation to disclose information to An Garda Síochána under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 where that person has information that falls within the scope of that act or

The fact that a member of UL has disclosed information to An Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of the children first act, 2015.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016

Under these acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work/activities with children or vulnerable persons. The acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons conducting relevant work/activities with children and vulnerable persons are set out in the national vetting bureau (children and vulnerable persons) acts 2012–2016.

Children First Act 2015

This act places several statutory obligations on specific groups of professionals and on organisations providing services to children.

The schedule of relevant services under the children first act 2015 is contained in Appendix 6 of these procedures.

A full schedule of Mandated Persons under the children first act 2015 is contained in Appendix 7 of these procedures.

Through the provisions of the act, it is intended to:

- Raise awareness of child abuse and neglect or harm against a child.
- Provide for mandatory reporting of instances of harm by key professionals.
- Improve child safeguarding arrangements in organisations providing services to children.

Provide for cooperation and information-sharing between agencies when Tusla – child and family agency, is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

Criminal Law (Sexual Offences) Act 2017

This act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and deciding to meet with a child where the intention is to sexually exploit the child. The act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

Freedom of Information Acts 1997, 2003 & 2014

Any reports which are made to Tusla may be subject to the provisions of the freedom of information acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the freedom of information acts also provide that public bodies may refuse access to information obtained by them in confidence.

The exemptions and exclusions which are relevant to child protection include the following:

- (a) protecting records covered by legal professional privilege.
- (b) protecting records which would facilitate the commission of a crime.
- (c) protecting records which would reveal a confidential source of information.

UL management bodies should note that records forwarded to a public body by all members of UL and held by that body may be subject to the provisions of the freedom of information acts.

The Data Protection Acts, 1998 And 2003

The data protection acts are designed to protect the rights of individuals regarding personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality or residence, 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. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up to date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

GDPR (General Data Protection Regulation)

Is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25th, 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

Appendix 9: Schedule of Offences as set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

Offences against children for purposes of offence under section 2

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.
5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993.
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
13. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998—
 - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
 - (b) section 4 (allowing child to be used for child pornography).
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—
 - (a) section 2 (trafficking, etc., of children),
 - (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
 - (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—
 - (a) section 3 (assault causing harm),
 - (b) section 4 (causing serious harm),
 - (c) section 5 (threats to kill or cause serious harm),
 - (d) section 13 (endangerment),
 - (e) section 15 (false imprisonment),
 - (f) section 16 (abduction of child by parent, etc.),
 - (g) section 17 (abduction of child by other persons).
19. An offence under section 246 of the Children Act 2001 (cruelty to children).
20. An offence under any of the following provisions of the Criminal

Justice (Female Genital Mutilation) Act 2012—

(a) section 2 (offences of female genital mutilation, etc.),

(b) section 3 (offence of removal from State for purpose of female genital mutilation),

(c) section 4 (acts, etc., done outside State).

Appendix 9.2 Offences against vulnerable persons for purposes of offence under section 3

1. Common law offence of false imprisonment.

2. Rape.

3. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.

4. Sexual assault.

5. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.

6. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).

7. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).

8. An offence under either of the following provisions of the Criminal Law (Sexual Offences) Act 1993—
(a) subsection (1) of section 5 insofar as it provides for an offence of having sexual intercourse, or committing an act of buggery, with a person who is mentally impaired within the meaning of that section (other than a person to whom the alleged offender is married or to whom they believe with reasonable cause he or she is married),

(b) subsection (2) of section 6 insofar as it provides for an offence of soliciting or importuning a person who is mentally impaired within the meaning of that section (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence under section 5(1) (insofar as it is referred to in *paragraph (a)*) of that Act or an offence referred to in section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

9. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified.

10. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—

(a) section 4 (trafficking of persons other than children),

(b) section 5 insofar as it relates to a person in respect of whom an offence under subsection (1) or (3) of section 4 of that Act has been committed (soliciting or importuning for purposes of prostitution of trafficked person),

(c) section 7 insofar as it relates to an offence under section 4 of that Act.

11. An offence under section 3 of the Non-Fatal Offences against the Person Act 1997 (assault causing harm).

Appendix 10: Definition and Recognition of Child Abuse

Types of child abuse and how they may be recognised

The Children First Guidance 2017 provides that you should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.

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. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety.

Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision

- Malnourishment, lacking food, unsuitable food or erratic feeding, failure to thrive, i.e., a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional Abuse

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.

Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs.

Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- 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, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g., locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to their age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse.

Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015.

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult

Sexual Abuse

Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

As all sexual abuse falls within the category of **seriously affecting a child's health, welfare or development**, all such concerns must be reported to the relevant statutory services.

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and, in some instances, occurs over a number of years.

Child sexual abuse most commonly happens within the family, including older siblings and extended family members. Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

Sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - a. Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - b. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - c. Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in section 7.6 of these procedures.

Circumstances which may make children more vulnerable to harm

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives.

Children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

In addition, a child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

A list of the range of issues in a child's life that may place them at greater risk of abuse or neglect is contained in Chapter 2, p11, of Children First 2017

Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of UL and **there is a reasonable concern about a continuing risk to children** who may be in contact with the alleged abuser revealed in such disclosures, **the concern must be reported to Tusla / An Garda Síochána** in accordance with the reporting procedures outlined in these procedures. The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:

https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others.

It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion.

Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBTQ+) children and those perceived to be LGBT; and children of minority religious faiths.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla and/or An Garda Síochána in accordance with the UL reporting procedures.

Appendix 11: Acceptance of the UL Child Safeguarding Statement

I have read the UL Child Safeguarding Statement and the Faculty, Division, Department Child Safeguarding Risk Assessment.

I agree to abide by its contents and act in accordance with the UL Child Safeguarding Statement.

There is no reason why I would be considered unsuitable to work with children or young people.

Name: _____

Faculty, Division, Department _____

Signed: _____

Date: _____

Return the completed form to your University Department office for retention on file.

Document Version	SX024.14
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