



Transgender
Equality
Network
Ireland

Child Protection Policy

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Introduction

Transgender Equality Network Ireland (TENI) respects the rights of all children and young people and believes they have the right to be safe from all harm. TENI is fully committed to safeguarding the well-being of children by protecting them from physical, sexual, psychological abuse and neglect. TENI upholds that in all matters concerning children, the welfare and protection of the child is paramount.

As an organisation working with children, both directly or indirectly, TENI has a moral and legal responsibility and a duty to protect children within our care from both intentional and unintentional harm. TENI requires all individuals associated with TENI to be aware of our policy and commitments in relation to child protection. While it is not possible to eliminate risk entirely, our strategies and mechanisms aim to reduce the risk.

Any reasonable concern or suspicion of abuse must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child.

This policy covers all individuals working on behalf of TENI, including employees, volunteers, and board members (hereinafter collectively referred to as **TENI staff**). It is the responsibility of all TENI staff to be aware of their duties and responsibilities as outlined in these procedures.

TENI have adopted this Child Protection Policy (hereinafter referred to as the **CPP**) in accordance with the requirements of:

1. The Children First Act 2015, available at this [link](#).
2. Children First: National Guidance for the Protection of Welfare of Children 2017, available at this [link](#).
These require that Tusla shall always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being abused. Child protection concerns should be supported by evidence that indicates the possibility of abuse.
3. Tusla guidance on the preparation of Child Safeguarding Statements, available at this [link](#).

Purpose

The purpose of this policy is to promote best practices in child protection within TENI and to set out a procedural framework to ensure that:

1. TENI protects children under its care or supervision.
2. All TENI staff are equipped to make informed and confident responses to specific child protection issues.
3. Management is equipped to make appropriate decisions in the event of specific child protection concerns arising.

The welfare of the children and families we interact with is our paramount consideration. Further, TENI are committed to transparency in our processes, policies, and adherence therein.

TENI's CPP aims to:

1. Prevent abuse where possible by setting in place and implementing systems and procedures to protect children through best recruitment practices, staff induction and training, creating an open and aware culture, assigning clear management responsibilities, and involving children appropriately in their own protection.
2. In the event of disclosure or discovery of abuse: set in place clear guidelines and procedures for reporting and reacting, dealing promptly and properly with incidents, supporting victims, and holding perpetrators to account.
3. Creating a child safe organisation, an environment where issues of child protection are discussed openly and are understood between children and adults, where concerns can be brought to the attention of the relevant people, that improve awareness and implementation of child protection policies and practices, and which creates a framework to deal openly, consistently, and fairly with allegations concerning both direct and indirect abuse.

All TENI staff are bound by the policy. All visitors to TENI activities as well as all TENI staff are required to uphold the policy. All partner organisations are expected to comply with minimum standards defined by the policy.

Scope

This policy applies to:

1. All TENI-led events and activities, TENI's headquarters, and any other location wherein staff are physically operating on behalf of TENI.
2. All TENI staff regardless of the course of their duties.
3. All other external parties (e.g., agents, contractors' organizations, community groups) operating within a TENI location and on behalf of TENI will be required to adhere to this policy.

TENI activities involving children and young people:

TENI family support groups

Transparenci is our parent support group, and Transformers is our teen support group for ages 13-18. Both groups run once a month in person and online, and run for 90 minutes. The in person meetings take place in Dublin, Cork and Waterford.

Registering:

Parents register with TENI's Family Support and Education Officer, who is also TENI's Designated Liaison Person. The Family Support and Education Officer will conduct an introductory call or meeting with the parent/parents, will facilitate parental consent for their teen to attend the Transformers sessions, and will then link them with the appropriate group in their area/online.

Attending:

In person Transparenci and Transformers sessions happen simultaneously, in the same venue, but separate rooms. Teens can only attend Transformers with parental consent, and if a parent is attending Transparenci. Parents must sign their teen into the meeting each month, and collect them afterwards. This also ensures that we have parents in the building if there is any issue that comes up in the group that needs to be discussed. Attendance sheets are kept securely by the facilitators, and are stored digitally by the Family Support and Education Officer, in line with GDPR.

Online sessions of Transparenci and Transformers do not run simultaneously because some families may only have one device to use for the internet. Parents and teens sign a consent form to attend the online sessions. These consent forms are also stored securely in line with TENI's policies. The Family Support and Education Officer sends out the zoom link in advance of the meeting to the email address indicated by the family. Online sessions are never recorded. If someone not invited to the support group joins, the call will be terminated immediately.

Facilitation:

The Transformers meetings are facilitated by professionals who are either qualified therapists, trained and experienced youth workers, or a similar qualified profession. All facilitators complete child protection training and are Garda vetted. The requirement that facilitators come from a relevant therapeutic or youth work background also ensures that the space is safe and supported for all.

The Family Support and Education Officer facilitates the online Transformers and Transparenci groups.

Family Residential

TENI runs an annual residential weekend bringing together families from the Transformers and Transparenci groups for a weekend of workshops, development, and support.

Registering:

The residential weekend is open to families already part of the support group network. If a new family reaches out to register for the residential, they will be registered in line with the support group registration process outlined above.

Attending:

Young people under 18 can only attend the residential weekend along with a parent. Parents must sign their families in at the initial registration. All registered attendees must wear their identifying lanyards throughout the weekend. Young people are assigned to workshops according to their age, and parents have workshops together. Attendance is taken at the start of each youth workshop. For any young people missing a workshop, TENI staff or volunteers will find the parent of that young person and verify their location and parental oversight while they are not in a facilitated workshop. Young people are under their parents' care outside of set workshop times (such as at meal times and in the evenings). Registration and attendance records are stored in line with GDPR and destroyed within one year of the residential weekend.

Facilitation:

All youth workshops at the residential are facilitated by appropriate facilitators. This can include youth workers, mental health professionals, creative practitioners, and TENI staff or volunteers. Each workshop has a minimum of one facilitator and one adult volunteer present. All facilitators, TENI staff, and TENI volunteers have completed Child Safeguarding training and Garda Vetting, and have read and signed TENI's CPP and Child Safeguarding Statement. TENI staff, volunteers, or external facilitators do not form any kind of sustained relations with children or young people attending the residential.

School and Youth Workshops

Sometimes the Family Support and Education Officer, or other TENI staff, facilitate workshops or give talks to school students, youth groups, or other youth organisations. These are always once-off sessions and the teacher, youth worker or other organiser is always present alongside the TENI facilitator.

Policy Statement

1. TENI recognises that child protection and welfare considerations permeate many aspects of our services and therefore must be reflected (where applicable) in its policies, procedures, practices, and activities. In adhering to the following key principles of best practice in child protection and welfare, all individuals employed by or operating on behalf of TENI 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 cooperate 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 workers 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/carers.
 - Fully respect confidentiality requirements in dealing with child protection matters.
2. All TENI premises shall adopt and implement fully, and without modification, the TENI CPP. Events held in external venues may be subject to those venues' child protection policies, which will also apply to TENI activities taking place there.
3. In relation to the reporting of child protection concerns to Tusla, all TENI staff are required to adhere to the procedures set out in the TENI CPP, 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 TENI Designated Protection Officer (**DPO**), who is the person responsible for making reports to Tusla, An Garda Síochána and other external agencies. If the concern relates to the TENI DPO the concern must be reported to the TENI Executive Director.

4. This Child Protection Policy, and the Child Safeguarding Statement shall be published on the TENI website.

Child Safeguarding Statement

The DPO is responsible for producing the Child Safeguarding Statement.

Under the [Children First Act 2015](#), all organisations providing 'relevant services', to children and families must have a Child Safeguarding Statement in place. This is a written statement, informed by a risk assessment, that specifies the service being provided and the principles and procedures to be observed to ensure, as far as practicable, that a child availing of the service is safe from harm.

The Child Safeguarding Statement can be found here [\[LINK\]](#).

Roles & Responsibilities

Specific Responsibilities of TENI Employees

All TENI staff will be responsible to:

1. Fully comply with this policy in its entirety.
2. Accept, take, and escalate complaints or concerns from any party who engages you.
3. Understand and follow the reporting process on how to accept a concern.
4. Engage the DPO, or Executive Director, or board as required.
5. Ensure full privacy and confidentiality for all parties.

Specific Responsibilities of TENI's DPO

The DPO will be responsible to:

1. The DPO will FIRST ensure the child or whistleblower is protected / supported (if applicable).
2. The DPO will act as a resource person for any individual who has a child protection concern.
3. The DPO will work and liaise closely with TENI's Executive Director (and board) on any concerns.
4. The DPO shall ensure that they are knowledgeable about child protection and will undertake any training considered necessary to keep themselves updated on new developments.
5. The DPO shall perform risk assessments on various TENI programs that interact directly with children.
6. The name and contact details of the DPO will be displayed prominently on TENI's website.
7. The DPO is responsible for updating the Child Safeguarding Statement.

Specific Responsibilities of TENI

TENI will be responsible to:

1. Take swift and appropriate action, including legal action when required, against employees and related personnel who commit physical, emotional, sexual abuse, neglect, or exploitation of a child.
2. Take swift and appropriate action against those who were aware of such abuse/exploitation but did not report it.
3. Provide information, instructions, and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act) and will implement the following:
 - a. Refer all employees to the TENI website location of the TENI CPP and the Child Safeguarding Statement.
 - b. Encourage personnel to avail of relevant training.
 - c. Encourage management to avail of relevant training.
 - d. Ensure management maintains records of all personnel training.
4. Ensure compliance with the legal requirements in relation to vetting of all employees who have or may have unsupervised access to children or vulnerable adults.

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 with children or vulnerable adults. 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 working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

Additionally, the use of probationary periods is to be used to further ensure staff suitability once a post is occupied.

5. Ensure confidentiality for all parties involved in a complaint.

TENI is committed to the privacy of both the alleged victim and alleged perpetrator of the complaint. The identities of the individuals must not be disclosed. Professionalism and sensitivity of response are paramount. The only communication that may ever be made externally in these cases by TENI staff are to local authorities, parents, or potentially to medical authorities in rare cases.

6. Use appropriate interviewing practices with complainants and witnesses, particularly with children. These interviewing practices are detailed in the Reporting Process section.
7. Take appropriate action to the best of its capacity to protect persons from retaliation when allegations of child exploitation and abuse are made in good faith.
8. Support survivors of child exploitation and abuse through the complaints process, to the best of our ability.
9. Adhere to best practices when engaging in hiring, where applicable:
 - a. When we are designing the job, analyse the role and think about the issues of child protection and risk in that job:
 - i. What contact with children will the job involve?
 - ii. Will the employee have unsupervised access to children, or hold a position of trust?
 - iii. What other sort of contact may the person have with children (eg, via email, phone, letter, internet)?
 - b. Develop clear job descriptions, terms of reference/role briefs for all posts including where short-term contracts, consultants are being recruited.
 - c. Make sure that the selection-criteria outlines the relevant experience needed if the post involves direct work with children.
 - d. Make sure that the commitment to keeping children safe is included in details of any post sent to prospective job candidates.
 - e. Develop application forms that ask for consent to complete Garda vetting for roles working with children.
 - f. Ask for documentation to confirm identity and proof of relevant qualifications.
 - g. Make sure we have a well-planned interview process – make sure the interviewers have the relevant experience and knowledge about child protection and best practice.
 - h. Include some specific questions in the interview that draw out people's attitudes and values in relation to the protection of children. Take up to three references including some from previous employees or others who have knowledge of the candidate's experience and suitability to work with children, where that role will include work with children.
 - i. Verify the identity of referees.
 - j. Conduct as many background checks as possible.

- k. Consider the use of probationary periods of employment to ensure suitability once in post.

Child Protection Training

Effective child protection depends on the skills, knowledge, and values of staff working with children and families, as well as cooperation between agencies (interagency) and within agencies (intra-agency). Relevant training and education are an important means of achieving this.

It is imperative that all TENI management ensure that all employees are familiar with both the CPP and Child Safeguarding Statement to enable them to fulfil their responsibilities therein. This will be achieved by developing a culture of awareness and knowledge of the CPP and Child Safeguarding Statement amongst all employees and, where necessary, ensuring that appropriate training is undertaken.

A recommended training program for TENI staff and volunteers is [Child Protection Training Programme \(hseland.ie\)](https://hseland.ie/child-protection-training-programme)

Reporting Contact Details

Designated Protection Officer (DPO) Hannah Solley hannah@teni.ie 087 063 7933	Executive Director (ED) Daire Dempsey daire@teni.ie 087 258 4420
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Policy Violation

Any concern or suspicion regarding Child Abuse or a breach of the TENI CPP, at any level, is treated with the utmost seriousness by TENI. Upon learning of a suspicion or disclosure of abuse by a member of TENI staff, the organisation will place any alleged perpetrator(s) on paid leave, with immediate effect.

TENI will ensure confidentiality of the case and protection of the parties to the disclosure.

TENI may take appropriate action against an individual(s) where any of the following apply:

1. Where TENI staff have been found to be in breach of this policy (including instances of where an individual covered up, obstructed, failed to report or to monitor an issue that they become aware of).
2. Where TENI reasonably believes that a deliberately false allegation has been made.

Any actions taken by TENI with respect to employees will be initiated in accordance with the appropriate TENI regulations and disciplinary procedures, which may include, but are not restricted to, the initiation of steps for implementation of disciplinary procedures under TENI's policy for suspension and dismissal of employees leading to demotion or dismissal.

Reporting Process: Step by Step

Step 1: A concern arises, or a complaint is made

Any complaint related to the CPP must be acted on with urgency by all TENI staff and associates and this process must immediately be followed. Any of TENI's staff, board, and management engaged must follow this policy directly and immediately themselves.

Guidelines when a concern is raised:

- Accept what the person says.
- Keep calm, do not appear shocked, do not panic, use a low, soothing voice.
- Don't seek help while the victim is talking to you.
Stay with them until they have finished speaking / crying.
Remember that it took courage to seek help.
- Do not promise to not tell anyone.
Explain instead that your priority is to get them help, and you may have to speak to a parent, guardian, doctor, or counsellor to get them help.
- Be honest.
- Never ask leading questions, instead repeat the last few words they say like a question.
- Do not repeat questions, stay calm and focused.
- Never push for information.
- Don't fill in words, finish their sentences, or make assumptions.
- Be aware the person may have been threatened, and so may be fearful about sharing concerns.
- Reassure them they are not to blame.
- Reassure them they were right to tell you.
- Let them know what you are going to do next and that you will let them know what happens.
- Take proper steps to ensure the physical safety and psychological wellbeing of the person. This may include referring them to a medical professional. TENI's top priority is to ensure the protection and support of the individual.
- Make certain you distinguish between what the person has *actually* said and the inferences you may have made. Accuracy is very important in this stage of the procedure.
- Do not permit personal doubt to prevent you from reporting the allegation.
- As soon as possible, when you have finished being with the person, document what the person told you using the Protection Report Form.

Include: how the person seemed, words the person used to describe the abuse or neglect, dates/times the person detailed the abuse as having occurred, and names of people the person mentioned. Date and sign this documentation (even if it is untidily completed on loose paper).

Step 2: DPO is involved

The next step in addressing a concern is for the DPO to become involved. Whoever has taken the complaint should then involve the DPO directly.

If the concern is about the DPO, it should instead be brought directly to the Executive Director.

If the concern is brought about the DPO and Executive Director jointly, it should instead be brought before the board (board@teni.ie).

Going forward, all references to DPO refer to whoever was involved above.

The DPO will immediately create an Internal Reporting Form.

The template for an Internal Reporting Form can be found in Appendix 7.

Step 3: Contact Tusla and assess if local authorities are required

It is not the DPO's role to confirm or deny the allegations, but rather to document and assist with the process.

The DPO at this point should contact Tusla and report the matter. 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 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.

Contacting Tusla: [File a report with Tusla](#)

If the complaint was about TENI staff, the DPO's first decision is whether to refer the situation to local authorities. Any allegations of abuse (sexual or physical), kidnapping, neglect that results in serious mental or physical harm, harassment, exploitation, or **any** other serious harm not mentioned here against the individual should **always** be referred to local authorities immediately.

Step 4: Find help for the victim

Whether or not the authorities were contacted, the DPO should help put the victim in touch with someone who can help them, if needed.

Especially for cases where authorities were not contacted, TENI's commitment to providing help does not end with the submission of a report.

Step 5: Apply Internal Safeguarding Procedures

All reports gathered from this process should be referred to the board.

The board in this case will be responsible for updating governance and policy documentation to build additional child protection safeguards at TENI.

Appendices

Appendix 1: Recognition of Child Abuse

Types of child abuse

Child abuse can be categorised into four different types:

1. Neglect
2. Emotional abuse
3. Physical abuse
4. Sexual abuse.

A child may be subjected to one or more forms of abuse at any given time. The table below can be used as a guide to recognise these different types of abuse.

Who can abuse a child?

Abuse 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 they 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 protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

What constitutes abuse?

The important factor in deciding whether the behaviour is abuse is the impact of that behaviour on the child rather than the intention of the parent/carer. You should refer to section 2.6.1 of this document for more information about the threshold of harm for child abuse.

What makes a child more vulnerable to harm?

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.

Children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths can all be more vulnerable to bullying.

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 is contained in Chapter 2, p11, of Children First 2017.

What about bullying?

Bullying includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. It can also take the form of abuse based on gender identity, sexual preference, race, ethnicity, and religious factors.

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 TENI's reporting procedures.

Types of Abuse	Possible Physical Indicators	Possible Behavioural Indicators
Physical Abuse	• Bite marks • Bruises • Burns • Broken bones • Hair missing in tufts • Arms and legs covered by clothing in warm weather • Lacerations and abrasions (especially to the eyes, lips, gums, and mouth) • Missing or loosened teeth • Welts • Female genital mutilation	• Overly compliant, shy, withdrawn, passive • Uncommunicative • Regression • Fear of parent/carer or relative • Avoidance of physical contact • Unexplained or unlikely explanation of injury • Little or no emotion when hurt • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issue
Emotional Abuse	• Eating disorders • Lethargy or fatigue	• Excessively compliant or passive • Excessively shy or withdrawn • Excessively neat or clean • Wetting, soiling, smearing • Low self-esteem • Poor peer relationships • Aggressive or delinquent behaviour • Reluctance to go home • Lack of trust • Highly anxious • Fearful when approached by an unknown person • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues
Sexual Abuse	• Bruises or bleeding from vaginal or anal regions • Blood-stained clothing • Pregnancy	• Sexual behaviour or knowledge of sexual matters inappropriate to age or development • Sexual behaviour that is harmful to self or others

	• Signs of pain, itching or discomfort in the anal or genital area • Urinary tract infections - Wetting, soiling, smearing	• Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way, e.g. "I know a person who..." • Decline in school performance • Poor attention or school refusal • Regression to infantile behaviour, e.g., thumb-sucking, rocking • Unexplained fears Anxiety • Sadness • Running away from home • Resistance to having contact with or fear of a parent/carer/relative • Eating disorder • Volatile substance use • Criminal sexual behaviour • Anger and defiance • Deliberate cruelty to animals • Helplessness • Aggression • Social withdrawal or isolation • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues
Neglect	• Poor hygiene • Dirty and unwashed • Lack of adequate or suitable clothing • Lack of medical or dental care • Development delays • Untreated physical or medical problems, e.g., sores, boils, or lice	• Always attends school even when sick • Frequent lateness or absence, early arrival at school or reluctant to leave • Falling asleep in school, constant fatigue • Dull, apathetic appearance • Steals, hoards, or begs for food • Constantly hungry • Engages in vandalism • Frequent illness, minor infections, or sores

		• Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues
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Please note: Most child abuse or neglect is not identified based on a single event or indicator. Indicators usually occur in clusters and in some cases, there may be no indicators of abuse occurring. The above indicators may lead to a concern that a child is being subjected to abuse. Indicators should be considered in the context of the child's age, capabilities, medical and developmental history.

Appendix 2: Related Documentation

TENI Child Safeguarding Statement

TENI Safeguarding Vulnerable Adults Policy

Appendix 3: 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 a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991 a children detention school within the meaning of section 3 of the Children Act 2001 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.
 - d. 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 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 guardian.

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 4: 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 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, child protection 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 members 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 5: 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 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 this link.

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.

TUSLA Contact

Child and Family Agency
180-189 Lakeshore Drive
Airside Business Park
Swords
Co. Dublin
Ph.: 01 870 8000

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 adults. The National Vetting Bureau does not decide on the suitability of any person to work with children and vulnerable adults. 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 everyone; and preventing, investigating, and detecting criminal offences. Based on 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 Garda 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 6: 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 Child Care Act also sets out the statutory framework for taking children into care, if necessary.

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 as long as 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 he or she has 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 TENI 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 TENI 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 with children or vulnerable adults. 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 working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

CHILDREN FIRST ACT 2015

This Act places a number of statutory obligations on specific groups of professionals and on particular 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 6 of these procedures

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

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting 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 making arrangements 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:

1. protecting records covered by legal professional privilege.
2. protecting records which would facilitate the commission of a crime.
3. protecting records which would reveal a confidential source of information.

TENI notes that records forwarded to a public body by TENI and held by that body may be subject to the provisions of the Freedom of Information Acts.

DATA PROTECTION LEGISLATION

The Irish Data Protection Acts (1988 to 2018), along with the 2016 General Data Protection Regulation (GDPR), 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 law gives 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.

Appendix 7: Internal Reporting Form

Case Number	
Reporter Info:	
Name	
Job Title	
Relationship to Alleged Victim	
Contact Details	
Alleged Victim Info:	
Name	
Gender	
Age	
Contact Details	
About Concern:	
Was abuse suspected or witnessed?	
Is this based on firsthand information, or who was it divulged by?	
Are there any witnesses to the situation (if so, who?)	
Context of alleged incident	
Location of alleged incident	
Name of alleged perpetrator	
Nature of the concern / what is reporter concerned about?	
Your personal observations – make a	

clear distinction between fact and fantasy	
Exactly what the alleged victim or source said to you (if relevant) and how you responded. Use actual details if possible.	
Any other information not previously covered	
Were there any other parties involved in the situation?	
Action taken / what did you do?	
Signed	
Date	

Appendix 8: Definitions

Child: The Child Care Act, 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married.

Vulnerable adult: A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves or protect themselves from harm or from being exploited.

Age of Consent: In Ireland the age of consent to sexual intercourse is 17 years for both males and females. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.

Child Abuse: The words “child abuse” as used in these procedures should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined below and in appendix 1 of these procedures and in chapter 2 of Children First (2017).

Neglect: Neglect is when a child is not provided with adequate food or shelter, effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent where the health or development of the child is significantly impaired or placed at risk.

Emotional Abuse: 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 whereby the child’s basic need for attention, affection, approval, consistency and security are not met. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.

Physical Abuse: 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, however, it does not include accidental injury.

Sexual Abuse: Sexual abuse occurs when a child is used by another person for their gratification or arousal, or for that of others.

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

Designated Protection Officer (DPO):

Relevant Person (RP):

Person: “Designated Protection Officer” means a person nominated by TENI to act as the liaison person for TENI 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. The DPO will also be the “Relevant Person”. “Relevant Person” means the person appointed by TENI as the relevant person in accordance with Section 8 of the Children First Act 2015. The Relevant Person will also be the DPO.

Mandated Person:

“Mandated Person” means a person who is specified in Schedule 2, Children First Act 2015.

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. Organisations that provide a relevant service to children are also considered mandated

persons. The Children First Act 2015 places a legal obligation on mandated persons to report child protection concerns.

Employee: In the context of these procedures the word 'employee' includes all full-time, part-time and voluntary employees of the University.

Parent / Carer: The phrase "parent/carer" is used in these procedures as it is used in Children First (2017) to refer to the child's parent or carer as appropriate.