

féile ealaíne an



earagail

arts

festival

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Made In Donegal

**Child &  
Vulnerable  
Person  
Protection &  
Welfare Policy**

## 1. Guiding Principle


Earagail Arts Festival is fully committed to safeguarding the well-being of children and vulnerable persons by protecting them from physical, sexual and emotional harm. Staff should, at all times, show respect and understanding for their rights, safety and welfare, and conduct themselves in accordance with the Children First Act 2015.

### 1.1 Policy Objectives

The objective of the policy is to protect children by:

- Outlining Best Practice Procedures
- Identifying indicators of child abuse and types of child abuse
- Identifying circumstances which make children more vulnerable
- Having clearly defined procedures for referring, reporting and dealing with incidents relating to child protection and outlining reasonable grounds for concern
- Ensuring child protection responsibilities are fully understood and complied with
- Ensuring effective selection and training of employees in relation to child protection
- Ensuring that all those working for Earagail Arts Festival adhere to guidelines set out in the child protection policy
- Ensuring the involvement of primary carers
- Ensuring appropriate reporting and recording of complaints, comments, incidents and accidents

Review Date: 13/01/23

Signed.....

Date...13/01/23.....

### 1.2 Who does the policy apply to?

The child protection policy applies to all Earagail Arts Festival employees, especially those working with children. The term employee of Earagail Arts Festival includes anyone who works full-time, part-time, seasonally, on-call, on a student placement or as a volunteer.

The policy also applies to external service providers.

### 1.3 Responsibilities of Organisation and Employees

#### 1.3.1 Earagail Arts Festival's Responsibility

The CEO & Artistic Director and Office Manager will ensure all staff:

- Are familiar with the Child Protection Policy
- Aware of their obligations within the policy
- Aware of internal line management reporting procedures
- Ensure all relevant staff attend child protection awareness training

Management of workers and volunteers – to include the development and use of a code of behaviour for workers and volunteers; to provide clarity to staff regarding acceptable and unacceptable practices.

Earagail Arts Festival will be responsible for drawing up its own Code of Behaviour.

### **1.3.2 Employees' Responsibilities**

All Earagail Arts Festival employees have a responsibility to:

- Protect and promote children's/young peoples' rights.
- Adhere to a code of behaviour between employees and children, to avoid the possibility of misunderstanding, or the potential for allegations of misconduct.
- Be aware of the appropriate authorities to whom they should report outside the organisation if they are inhibited for any reason in reporting the incident internally or where they are dissatisfied with the internal response.

## **2. Definition of a Child**

For the purposes of this policy a 'child' and a 'young person' is a person who is under 18 years of age excluding a person who is or has been married.<sup>1</sup>

### **2.1 Best Practice Procedures**

Earagail Arts Festival is committed to ensure that best practice procedures are adhered to by all employees. Child welfare and protection policy is based on a legal framework provided primarily by the Child Care Act 1991 and the Children First Act 2015. Earagail Arts Festival is aware of the number of key principles of child protection and welfare that inform both government policy and best practice for those dealing with children.

These are:

- The safety and welfare of children is everyone's responsibility
- The best interests of the child should be paramount

The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm. Interventions should build on existing strengths and protective factors in the family. Early intervention is key to getting better outcomes. Where it is necessary for the state to intervene to keep children safe, the minimum intervention necessary should be used. Children should only be separated from parents/guardians when alternative means of protecting them have been exhausted.

- Children have a right to be heard, listened to and taken seriously

Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives. Parents/guardians have a right to respect and should be consulted and involved in matters that concern their family.

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<sup>1</sup> Child Care Act 1991 / Children First Act 2015

A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. However:

- Where there is conflict, the child's welfare must come first
- Child protection is a multiagency, multidisciplinary activity.

Earagail Arts Festival is committed to working with agencies and professionals to work together in the interest of children.

### **3. Definition of Child Abuse**

Within the Children First National Guidance for the Protection and Welfare of Children 'Harm can be defined as the ill treatment or the impairment of the health or development of a child'<sup>2</sup>. Earagail Arts Festival is aware that Tusla should always be informed when there are reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

Child abuse is generally described under the following headings (Detailed information on the indicators of child abuse is contained in Appendix One):

#### **3.1 Neglect**

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 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, supervision and safety.

Earagail Arts Festival recognises that child neglect is the most frequently reported type of abuse and features of neglect abuse can be 'over a period of time' and/or from a single event.

#### **3.2 Physical**

Physical abuse is any form of non-accidental injury that results from wilful or neglectful failure to protect a child. Physical abuse is when someone deliberately physically hurts a child 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.

Earagail Arts Festival understands that emotional abuse can be recognised in the following ways:

- Persistent criticism, sarcasm, hostility, or blaming
- Persistent lack of comfort, love, praise and encouragement
- Seriously inappropriate expectations of a child relative to his/her age and stage of development.

Physical abuse happens when a child is physically harmed or is put at risk of being physically harmed.

#### **3.3 Sexual**

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<sup>2</sup> CHILDREN FIRST National Guidance for the Protection and Welfare of Children

Sexual abuse occurs when a child is used by another person for his/her gratification or sexual arousal or for that of others. It includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography. Earagail Arts Festival is aware that child sexual abuse may cover many different abusive activities. Examples of abusive activities can be as follows:

- Sexual touching
- Engaging a child in sexual acts
- Encouraging / forcing a child to observe sexual or indecent acts

### **3.4 Emotional**

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

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.

### **3.5 Circumstances when children can be more vulnerable to harm**

Earagail Arts Festival is aware that there are times when children can be more vulnerable to harm. When dealing with children, the festival knows employees need to be alert to the possibility that a welfare or protection concern may arise in relation to children employees come in contact with. 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.

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. In particular, 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.

Factors that can make a child more vulnerable to harm can include:

- Parent or Carer factors
  - Drug and alcohol misuse
  - Addiction, including gambling
  - Mental health issues
- Community and Environmental factors
  - Cultural, ethnic, religious or faith-based norms
  - Culture-specific practices
  - Housing issues
  - Poverty/Begging
- Child factors
  - Age
  - Gender
  - Sexuality
  - Disability
  - Mental health issues, including self-harm and suicide

### **3.6 Other Forms of Abuse**

While child abuse has been described under the above four headings of Neglect, Emotional Abuse, Physical Abuse, and Sexual Abuse due consideration should also be given to instances of Bullying, Organised Abuse and Peer Abuse

#### **3.6.1 Bullying**

Bullying can be defined as repeated aggression, verbal, psychological or physical, which is conducted by an individual or group against others.<sup>3</sup> 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.

<b>Verbal</b>	Sectarian/racist remarks, name-calling, destructive criticism, derogatory remarks
<b>Psychological</b>	Exclusion, spreading rumours, favouritism
<b>Physical</b>	Hitting, kicking, theft

#### **3.6.2 Organised Abuse**

Organised abuse occurs when one person systematically entraps children for abusive purposes (mainly sexual) or when two or more adults conspire to similarly abuse children using inducements.

### **4 Peer Abuse**

Peer abuse is the abuse of a young person/child by another young person/child and should be considered as serious as the other forms of abuse listed.

### **3.6 Abuse Indicators**

It is important to stress that no one indicator should be seen as conclusive in itself of abuse; it may indeed indicate conditions other than child abuse. A cluster or pattern of signs is likely to be more indicative of abuse. Signs must be considered in the child's social and family context. It is important to always be open to alternative explanations for physical or behavioural signs.

#### **4. Dealing with Disclosure**

##### **4.1 How to respond when a young person/child makes a disclosure to you**

Earagail Arts Festival provides an environment which encourages security, confidence, and trust that thereby enables young people to share their concerns. It is important that a child who discloses abuse feels supported and facilitated. Any negative feelings that the child may have must not be increased

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<sup>3</sup> Children First National Guidance for the Protection and Welfare of Children, page 12

by the kind of response which the disclosure elicits. A child who divulges an incident of abuse to an employee makes a profound act of trust and must be treated with respect, sensitivity and care.

When a child makes a disclosure an employee should:

1. React calmly, as over-reacting may alarm the young person and compound feelings of anxiety and guilt
2. Listen carefully and attentively; take the person seriously
3. Reassure the young person that they have taken the right action in telling you about the abuse.
4. Do not make false promises, particularly regarding secrecy
5. Do not ask the young person to repeat the story unnecessarily
6. Ask questions only for the purpose of clarification. Be supportive, but do not ask leading questions or seek intimate details beyond those volunteered by the child. Tusla staff or members of An Garda Síochána will if necessary, carry out detailed investigative interviews
7. Check with the young person to ensure that what has been heard and understood by you is accurate.
8. Do not express any opinions about the alleged abuser
9. Record the conversation as soon as possible and in as much detail as possible on the Incident Report Form (Appendix Three)
10. Explain and ensure that the young person understands the procedures which will follow.
11. Pass the information to the Designated Officer or Deputy Designated Officer, who will in turn report it to the Statutory Authorities for investigation
12. Treat the information confidentially, sharing it only with persons who have a right to hear it

#### **4.2 Importance of confidentiality**

- Confidentiality is about managing sensitive information that arises in a trusting relationship and doing so in a manner that is respectful, professional and purposeful
- Primary carers, children and young people have a right to know if personal information is being shared and/or a report is being made to Tusla, unless doing so could put the child/young person at further risk
- Images of a child/young person will not be used for any reason without the consent of the parent/carer (however, we cannot guarantee that cameras/videos will not be used at public performances)
- Procedures will be put in place in relation to the use of images of children/ young people
- Procedures will also be put in place for the recording and storing of information in line with our confidentiality policy. All information will be stored in locked storage accommodation, accessible only by the Designated Officer and Deputy Designated Officer
- Anyone disclosing information needs to know in advance the limits of confidentiality and the responsibilities attached
- In matters of child abuse an employee can never promise to keep secret any information that is divulged. An employee should explain to the young person disclosing why s/he cannot keep this information secret and also explain to the young person what s/he intends to do with it. Every effort should be made to get the young person to understand this strategy and consent to it
- All information regarding concern or assessment of child abuse should be shared on “a need to know” basis in the best interest of the child. The giving of information to relevant others, for the protection of the child, is not a breach of confidentiality. It must be clearly understood that information, which is gathered for one purpose, must not be used for another without consulting the person who provided that information

### **4.3 Involvement of Primary Carers**

We are committed to being open with all primary carers.

We undertake to:

- Advise primary carers of our child protection policy
- Inform primary carers and schools of all activities and potential activities
- Issue contact/consent forms where relevant
- Comply with health and safety practices
- Operate child-centred policies in accordance with best practice
- Adhere to our recruitment guidelines
- Ensure as far as possible that the activities are age-appropriate
- Encourage and facilitate the involvement of parent(s), carer(s) or responsible adult(s), where appropriate

If we have concerns about the welfare of the child/young person, we will:

- Respond to the needs of the child or young person
- Inform the primary carers on an on-going basis unless this action puts the child or young person at further risk
- Where there are child protection and welfare concerns we are obliged to pass these on to the Duty Social Worker and, in an emergency, the gardaí
- In the event of a complaint against a member of staff, we will immediately ensure the safety of the child/young person and inform primary carers as appropriate

As a child-centred organisation, we are committed to putting the interest of the child/young person first. To that end we will:

- Contact local Tusla and gardaí where there is a child protection welfare concern
- Encourage primary carers to work in partnership with us under the guidelines set out by our organisation to ensure the safety of their children
- Have a designated contact person available for consultation with primary carers in the case of any concern over a child or young person's welfare

### **4.4 Procedures for Involving children, parents and guardians**

Earagail Arts Festival is committed to working in partnership with parents/guardians and families helping to safeguard children and young people. Forming positive relationships encourages mutual trust and reassures them that Earagail Arts Festival sees the welfare of the child/young person as paramount. It is important to be aware of the family structure and endeavour to involve all family members who play a key role in the child's life. This may include mothers, fathers, grandparents, foster carers, etc.

In order for a parent/guardian/family member to believe that they can work in partnership with professionals they need to feel respected and valued. One of the ways this can be done is to assure them that, wherever appropriate, they will be consulted/spoken with if a concern arises about their child/young person or before information is passed on to another agency about a concern.



If Earagail Arts Festival feels that it might put the child/young person at risk of further harm by informing the parents/guardians that a report is going to be made to Tusla, Earagail Arts Festival will discuss this concern with the Tusla social worker prior to talking to the parents/guardian. Discussing an issue with parents/guardians helps them to better understand the issue and gives them an opportunity to respond (see section 3.3.6 of the Child Safeguarding A Guide for Policy, Procedure and Practice for further tips on talking to parents/guardians about child protection and welfare concerns)

## **5. Reporting Procedures**

Earagail Arts Festival employees understand that anyone can make a report to Tusla if they are worried about the safety or welfare of a child. Tusla should always be informed if there are reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. The Earagail Arts Festival is aware that it is not necessary for proof to be obtained in order to report concerns.

### **5.1 Responsibility to report suspected or actual child abuse**

An employee who knows or suspects that a young person has been or is at risk of being harmed has a duty to convey this concern to the Designated Officer, Paul Brown, (CEO & Artistic Director) or in the absence of the Designated Officer, the deputy Designated Officer, Edel Corcoran (Office Manager), who will report the information to Tusla. Tusla will, in turn, report to the Gardaí. In an emergency a report should be made directly to An Garda Síochána.

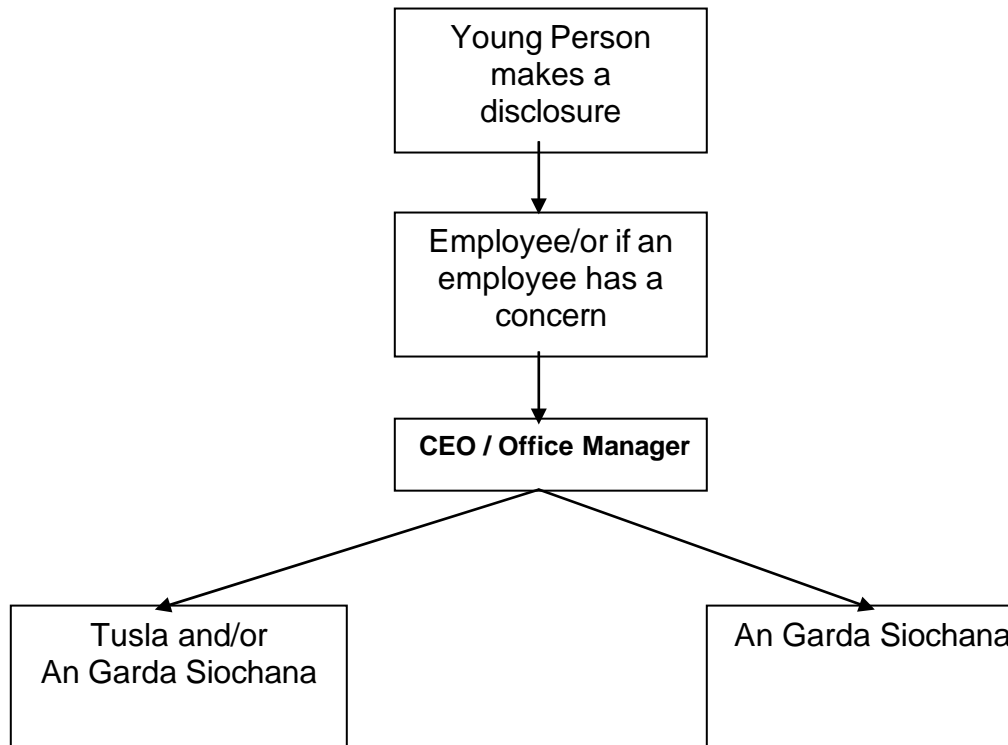
#### **5.1.1 Appointing a Designated Liaison Person**

Earagail Arts Festival is aware that public and private organisations that are providing services to children should consider appointing a designated liaison person in keeping with best practice in child safeguarding. This person will be the resource person for any staff member or volunteer who has child protection concerns and will liaise with outside agencies. The designated liaison person should be knowledgeable about child protection and should be provided with any training considered necessary to fulfil this role.

Designated Liaison Person:	Paul Brown
Title:	CEO & Artistic Director
Telephone:	074 91 68800
Mobile:	0868032160
Email:	<a href="mailto:director@eaf.ie">director@eaf.ie</a>

Designated Liaison Person, Deputy:	Edel Corcoran
Title:	Office Manager
Telephone:	074 91 68800
Mobile:	0868294931
Email:	<a href="mailto:info@eaf.ie">info@eaf.ie</a>

### 5.1.2 Reporting Structure



### 5.2 Reporting Child Abuse

If child abuse is suspected or alleged:

- An employee must report the child abuse concerns to the CEO / Artistic Director or Office Manager
- CEO / Artistic Director or Office Manager should make a report to Tusla firstly by telephone, followed by a referral form (Social Worker will advise on individual case).
- If a third person (party) makes the report (e.g. CEO / Artistic Director or Office Manager), it is likely that the Social Worker will wish to speak to the person who first witnessed the incident, received the disclosure or felt concerned.
- In the event of an emergency or the non-availability of a Tusla staff member, the report should be made to the gardaí. This may be done at any garda station

### **5.2.1 Reasonable grounds for Concern**

The statutory authorities should always be informed when a person has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse. Earagail Arts Festival is committed to ensure that all employees are informed of what are 'reasonable grounds for concern' for a child protection or welfare concern. Evidence that is consistent with abuse and unlikely to have been caused in any other way. Reasonable grounds for concern could be in the form of:

- Evidence - an injury or behaviour
- 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 he or she has 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

Earagail Arts Festival is aware that some professionals, such as mandated persons, have more responsibilities under the Children First Act 2015. Mandated persons must report past, present or likely future harm to a child.

If any employee has any concerns about a child, they will know to:

- Talk to management or DLP
- Record concerns

Management or DLP will thereafter, ensure that Earagail Arts Festival reporting procedures are followed by:

- Providing advice and support
- Ensure a Tusla Child Protection and Welfare Report Form is submitted to Tusla, when appropriate

### **5.2.2 Procedures for dealing with Retrospective and Allegations**

The term retrospective abuse refers to abuse that an adult experienced that took place during their childhood. In terms of retrospective abuse, a report needs to be made to Tusla where there may be a current or potential risk to children from the person against whom there is an allegation. Retrospective abuse is also known as historic(al) abuse.

In cases of retrospective abuse, a report needs to be made where there is a current or potential future risk to children from the person against whom there is an allegation. The term retrospective abuse refers to abuse that an adult discloses that took place during their childhood. Adults may disclose that they were abused during their childhood. If Earagail Arts Festival receives a disclosure from an adult that they were abused as a child, this information must be report this to Tusla. This is because the person against whom there is an allegation may pose a current risk to children.

The reporting requirements under the Children First Act 2015 apply to information that is received by a mandated person, received or became aware of since the Act came into force, whether the harm

occurred before or after that point. However, Earagail Arts Festival is aware that if there is reasonable concern about past abuse, where information came to attention before the Act and there is a possible continuing risk to children, this should be reported Tusla.

In cases of retrospective abuse, where there are no identified children, Earagail Arts Festival will complete a Retrospective Abuse Form and send it to Tusla. This form can be found on the Tusla website: [www.tusla.ie/children-first/publications-and-forms/](http://www.tusla.ie/children-first/publications-and-forms/).

### **5.3 When a case is not reported to Tusla or Gardaí**

- In a situation where the organisation decides not to report concerns to Tusla or An Garda Síochána, the CEO & Artistic Director or Office Manager should give the employee who raised the concern a clear written statement of the reasons why the organisation is not taking action. The employee should be advised that, if s/he remains concerned about the situation, s/he is free to consult with, or report to, Tusla or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act, 1998 apply once they report “reasonably and in good faith”.

### **5.4 Protection for Reporting Child Abuse**

The Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to Tusla or An Garda Síochána. This means that even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

- This protection applies to organisations and to individuals. It is considered therefore that organisations should assume full responsibility for reporting suspected child abuse to the appropriate authorities. The CEO / Artistic Director or Office Manager, as per Earagail Arts Festival Child Protection policy should make reports to Tusla and to the gardaí.

### **5.5 Incident Report Form**

- The Incident Report Form must be completed when a staff member witnesses or is involved in an incident with a child/young person during working hours (see Appendix Three). All incidents involving children should be documented. Something that may seem trivial at the time may prove to be important at a later date.
- An incident can vary from a child not being collected by their parent/guardian on a regular basis to witnessing an adult acting inappropriately with a child/young person.
- Staff should inform the CEO & Artistic Director or Office Manager of all incidents.
- Incident Report Forms are confidential and should not be discussed in an open forum. Completed Incident Report Forms should be filed safely and should not be available for viewing by other members of staff.
- In the event of continuous incidents, the CEO & Artistic Director or Office Manager should follow the reporting procedures for suspected child abuse.

## 5.6 Allegations of Abuse Against Employees and Peer Abuse

### Reporting procedures if a complaint or allegation is made against an employee

There are two procedures to be followed when an allegation is made against an employee:

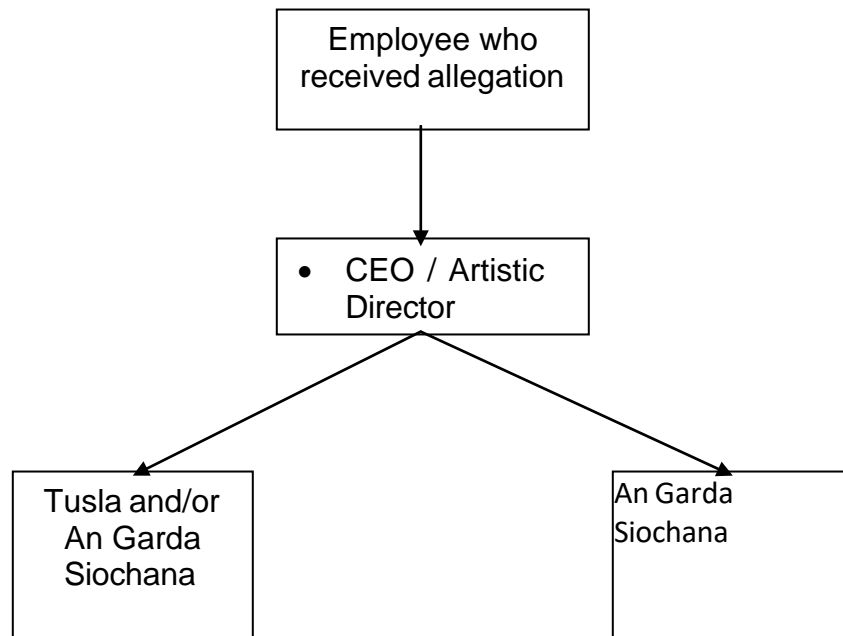
1. The reporting procedure in respect of the child
2. The procedure for dealing with the employee

The same reporting procedures in respect of the allegation must be followed as laid out in this policy.

When an allegation of abuse of a child is made against an employee during the execution of that employee's duties, Earagail Arts Festival should inform the employee of the following:

- The fact that an allegation has been made against him/her
- The nature of the allegation

The employee should be afforded an opportunity to respond. Earagail Arts Festival should note the response and pass on this information when making the formal report to Tusla. Personnel procedures will also be followed at all stages of the investigation.



Any staff member subject to an allegation of abuse will be suspended pending further investigation of the allegation undertaken by Tusla and gardai. Disciplinary measures including will be implemented according to the nature of the employee contract if allegations are proven true.

## 5.7 Procedures to be followed where an allegation is made against another young person

If an allegation is made against a young person it should be considered a child protection issue for all the children/young people involved and the child protection procedures should be adhered to for both the victim and the alleged abuser.

The standard reporting procedures should be followed, and the CEO & Artistic Director or Office Manager should seek advice from the statutory authorities with regard to informing the parents/carers/guardians of the young people concerned.

## **6 Role of Designated Liaison Person: Paul Brown (CEO & Artistic Director)**

- Report, as appropriate, suspicions and allegations of child abuse to the statutory authorities
- Liaise between the staff and the statutory authorities, where it is necessary
- Ensure the maintenance of individual case records which will include information on what action is taken and the other agencies that were informed.
- Ensure confidentiality is maintained
- Keep only relevant people within Earagail Arts Festival Management Company informed about any action taken and any further action required

## **Role of Deputy Designated Liaison Person: Edel Corcoran (Office Manager)**

In the absence of the Designated Liaison Person:

- Report, as appropriate, suspicions and allegations of child abuse to the statutory authorities
- Liaise between Earagail Arts Festival's CEO & Artistic Director, staff and the statutory authorities, where it is necessary
- Ensure the maintenance of individual case records which will include information on what action is taken and the other agencies that were informed.
- Ensure confidentiality is maintained
- Keep only relevant people within Earagail Arts Festival Management Company informed about any action taken and any further action required

## **7. Codes of Behaviour for staff**

Codes of Behaviour will be further developed if appropriate during training.

- Always work in an open environment
- Treat all children/young people equally, and with respect and dignity
- Maintain a safe and appropriate distance with child/young person (it is not appropriate to have an intimate relationship with a child/young person or to share a room, shower or changing facilities with them)
- Always put the welfare of each child/young person first
- Be an excellent role model – this includes not smoking, drinking alcohol, using foul language or taking drugs in the company of young people
- Give enthusiastic and constructive feedback, encouraging achievements rather than negative criticism
- Do not give lifts in your car to individual young people
- Secure parental consent in writing to act in loco parentis, if the need arises to give permission for the administration of emergency first aid and/or other medical treatment
- Never take children/young people to your home
- Avoid spending any time alone with children/young people away from others
- If meeting with a child or vulnerable person via zoom or suchlike you will need to make yourself familiar with our Zoom Meeting Management and Etiquette guidelines along with following all other child and vulnerable person protection policy procedures

It is vital that Codes of Behaviour must be developed specific to each programme or event of the festival.

## **8. Recruitment of Staff**

Earagail Arts Festival has a responsibility to provide children and young people with the highest possible standard of care in order to promote their well-being and safeguard them from harm.

The following recruitment procedures will be adhered to:

### **8.1 Contract of Employment**

A commitment to adhere to the organisation's Child Protection Policy must form part of employees' written contract of employment. A formal request be made that all staff complete the online Introduction to Children First, eLearning Programme.

### **8.2 Declaration**

Applicants should be obliged to sign a declaration form indicating that there is no reason why they would be deemed unsuitable for working with young people.

### **8.3 References**

All references should be requested in writing using a reference check form. In the case of applicants whose work will bring them in contact with children and young people, at least one referee should have first hand knowledge of the applicant's previous work with children/young people.

No person who would be deemed to constitute a 'risk' will be employed;

Some of the exclusions would include:

- any child-related convictions;
- refusal to sign application form and declaration form;
- insufficient documentary evidence of identification;
- concealing information on one's suitability to working with children;

### **8.4 Probationary Period**

There will be a relevant probationary period of 1 month

### **8.5 Garda Vetting and Clearance**

Vetting 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. 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 its provisions. Earagail Arts Festival will ensure that it fully complies with all the requirements of this legislation.

Where appropriate Earagail Arts Festival will request a garda clearance for all new employees that will come into contact with children/young people and that a copy be kept on file within the office in secure location.

## **8.6 External Service Providers**

All persons engaged by the Festival to provide services to children/young people should be provided with a copy of the Child Protection Policy in advance and made aware of the sections specifically relevant to them.

## **8.7 Students/Volunteers**

All students/volunteers requesting work with Earagail Arts Festival should be required to fill in the appropriate forms.

## **8.8 Identification**

Earagail Arts Festival should ensure that the identity of the applicant is confirmed against some documentation (ID card, driving licence or passport), which gives his or her full name, address together with a signature or photograph.

## **9. Management & Supervision of Staff**

To protect both staff (paid and voluntary) and children/young people, we undertake that:

New staff will:

- Take part in a mandatory induction training session
- Complete the online Introduction to Children First, eLearning Programme
- Be made aware of the organisation's code of conduct, child protection procedures
- and the identity and role of who has been designated to deal with issues of concern
- Undergo a probationary or trial period

All staff will:

- Receive an adequate level of supervision and review of their work practices
- Be expected to have read and signed the Child Protection Policy Statement
- Be provided with child protection training

## **10. Key Legislation**

Earagail Arts Festival is aware that there are a number of key pieces of legislation that relate to child welfare and protection.

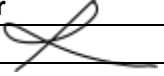
- Children First Act 2015
- Child Care Act 1991
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016
- Criminal Law (Sexual Offences) Act 2017
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012



Criminal Justice Act 2006 Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children'. It states: 'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by – (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.' The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012  
Since 1998, the Criminal Justice (Offences Against the State) (Amendment) Act has made it an offence for any person to fail to notify the Garda Síochána where the person has information which he or she knows or believes might be of material assistance in securing the prosecution or conviction of a serious offence. A "serious offence" in the context of the 1998 Act includes murder, manslaughter, abduction or a serious assault causing physical injury to a person.

- This Policy and Appendices is reviewed on an annual basis by the CEO & Artistic Director.

<b>Name: Paul Brown</b>
<b>Position: CEO / Artistic Director</b>
<b>Signature:</b> 
<b>Date: 13/01/21</b>
<b>Next Review Date:13/01/21</b>

***Resources used to complete Child Protection Policy:***

- *A Guide for The Reporting of Child Protection and Welfare Concerns*
- *Retrospective Abuse Report Form (RARF), Guidance Notes, November 2017*
- *Children First National Guidance 2017*
- *Tusla: Welfare Practice handbook*
- *Tusla: Child Safeguarding: Guide for Policy, Procedures and Practice*
- *Tusla: A Guide for the Reporting of Child Protection and Welfare Concerns*
- *Tusla: Guidance on Developing a Child Safeguarding Statement*

## **Appendix One**

### **Recognising child abuse: Possible indicators of child abuse**

#### **Physical**

Frequent bruising, fractures, cuts, burns and other injuries

Torn clothing

Signs of neglect e.g. dirty, underfed

Failure to thrive

Genital injuries or soreness

Haemorrhages (retinal, subdural)

Sexually-transmitted diseases

Pregnancy

#### **Emotional**

Unreasonable mood and/or behaviour changes

Aggression, withdrawal or an 'I don't care attitude'

Lack of attachment

Depression or suicide attempts

Persistent nightmares, disturbed sleep, bedwetting, reluctance to go to bed

Fear of or the idealisation of a parent, family member or friend

A fear of adults or particular individuals e.g. family member, baby-sitter

Fear of the dark

Panic attacks

### **Behavioural**

Over affectionate or inappropriate sexual behaviour or knowledge given the child's age, often demonstrated in language, play or drawings

Fondling or exposure of genital areas, open masturbation

Sexually-aggressive behaviour with others

Hints about sexual activity

Unusual reluctance to join in normal activities which involve undressing, e.g. games/swimming

Overly-compliant and submissive

Strong dislike of physical contact

Prostitution - giving sexual favours in return for gifts or money

### **Changes in normal behaviour for the person in question**

Unwillingness to participate in certain activities or go to particular places (that once may have been liked) e.g. school, youth group, and swimming pool

Running away from home or avoiding school

Separation anxiety

Isolation

Tiredness and poor concentration

Unexplained display of wealth or gifts (bribes) or a constant shortage of money and loss of good equipment/clothes/shoes (taken by bullies)

### **Illness**

Eating disorders such as overeating or anorexia

Skin disorders

Obsessive washing

Psychosomatic disorders

### **Some signs are more indicative of abuse than others. These include:**

Disclosure of abuse and neglect by a child or young person;

Age-inappropriate or abnormal sexual play or knowledge;

Specific injuries or patterns of injuries;

Running away from home or a care situation

Attempted suicide

Under-age pregnancy or sexually transmitted disease

**Appendix Two**

**Earagail Arts Festival Management Company  
Child Protection Policy  
Incident Report Form**

- This form should be completed by a staff member in the event of an incident occurring in the work area.
- The form should then be passed to CEO / Artistic Director or Office Manager.

Date of Incident:	Time of Incident:
-------------------	-------------------

Location of incident:
-----------------------

Name of child/children involved:

Details of Incident: *

Witnessed by/ Reported to:

Staff Signature:
Date:
Supervisor Signature:
Date:

\*Use further paper if necessary

**Volunteer Application Form**

**1. Personal details:**

Name (Mr/Mrs/Ms) \_\_\_\_\_

Address \_\_\_\_\_

Tel. No. (Daytime) \_\_\_\_\_ (Evening) \_\_\_\_\_

Date of Birth \_\_\_/\_\_\_/\_\_\_\_\_ Place of Birth \_\_\_\_\_

Do you suffer from any illness/disability/medical condition which may at times affect your ability to work here? If so, please give details.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Employment Details:**

Occupation \_\_\_\_\_

Please outline why you wish to become a volunteer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please give details of any previous experience:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Times available (please indicate the times you will be available for work):

<b>Daytime</b>	<b>Mon.</b>	<b>Tues.</b>	<b>Wed.</b>	<b>Thurs.</b>	<b>Fri.</b>	<b>Sat.</b>
<b>Morning</b>						
<b>Afternoon</b>						
<b>Evening</b>						

**3. References:**

Please supply the name, address, phone numbers and position of two people (non-relative), who know you well and can provide us with a reference:

Name _____	Name _____
_____	_____
_____	_____
_____	_____
Tel No. _____	Tel No. _____
Position _____	Position _____

**4. Declaration:**

I confirm that nothing within my personal or professional background deems me unsuitable for a post which involves working with children. I declare that the above information is true and agree that I will abide and accept the terms and conditions of participation.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**For Office Use Only**

Checked by Phone _____ Visit _____ Letter _____
Checked by: _____
Date: _____

**Student Application Form**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Tel. No. (Daytime) \_\_\_\_\_ (Evening) \_\_\_\_\_

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Place of Birth \_\_\_\_\_

---

Temporary Address (if not identical to no.2 above) \_\_\_\_\_

\_\_\_\_\_

Name of Parent or Guardian \_\_\_\_\_

Tel. No. (Daytime) \_\_\_\_\_ (Evening) \_\_\_\_\_

E-mail \_\_\_\_\_

Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Place of Birth \_\_\_\_\_

Do you suffer from any illness/disability/medical condition which may at times affect your ability to work here? If so, please give details.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Information on School/College:**

Name of School/College \_\_\_\_\_

Course being studied \_\_\_\_\_

**3. Information on Work Experience:**

What do you hope to accomplish in your work experience?

\_\_\_\_\_

\_\_\_\_\_

Please give details of any previous work experience you have had:

\_\_\_\_\_

\_\_\_\_\_



Times available (please indicate the times you will be available for work):

Daytime	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
Morning						
Afternoon						
Evening						

**4. Reference**

Please supply the name, address, phone numbers and position of two people (non-relative), who know you well and can provide us with a reference:

Name \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tel No. \_\_\_\_\_

Tel No. \_\_\_\_\_

Position \_\_\_\_\_

Position \_\_\_\_\_

**5. Declaration**

I confirm the information given in this application is accurate and that nothing within my personal or professional background deems me unsuitable for a post which involves working with children. I declare that the above information is true and agree that I will abide and accept the terms and conditions of participation.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**For Office Use Only**

Checked by Phone \_\_\_\_\_ Visit \_\_\_\_\_ Letter \_\_\_\_\_

Checked by: \_\_\_\_\_

Date: \_\_\_\_\_

**STANDARD FORM FOR REPORTING CHILD PROTECTION AND/OR WELFARE CONCERNS**  
**In case of Emergency or outside Tusla office hours, contact should be made with AnGarda Síochána**

**A. To Principal Social Worker  
or Duty Social Worker :** \_\_\_\_\_

**1. Details of Child:**  
Name: \_\_\_\_\_ Male:  Female:   
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Age/D.O.B.: \_\_\_\_\_  
School: \_\_\_\_\_

**1a. Name of Mother:** \_\_\_\_\_ **Name of Father:** \_\_\_\_\_  
**Address of Mother if different to Child:** \_\_\_\_\_ **Address of Father if different to Child:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Telephone Number:** \_\_\_\_\_ **Telephone Number:** \_\_\_\_\_  
\_\_\_\_\_

**1b. Care and Custody arrangements regarding child, if known**

Name	Relationship to Child	Date of Birth	Additional Information e.g. School/Occupation

**1c. Household Composition:**  
**Note: A separate report form must be completed in respect of each child being reported.**

**2. Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known**

3. Details of person(s) allegedly causing concern in relation to the child:

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Male:

Female:

Address: \_\_\_\_\_  
\_\_\_\_\_

Relationship to Child: \_\_\_\_\_

Occupation: \_\_\_\_\_  
\_\_\_\_\_

4. Name and Address of other personnel or agencies involved with this child:

Social Workers: \_\_\_\_\_  
\_\_\_\_\_

School: \_\_\_\_\_

Public Health Nurse: \_\_\_\_\_  
\_\_\_\_\_

Gardai: \_\_\_\_\_

G.P.: \_\_\_\_\_

Club \_\_\_\_\_

Pre-School/Crèche/Youth

Hospital: \_\_\_\_\_  
\_\_\_\_\_

Other, Specify e.g. Youth Groups,  
After  
School Clubs: \_\_\_\_\_

5a. Are Parents/Legal Guardians aware of this referral to the Social Work Department? Yes

No

5b. Are the Parents/Legal Guardians supportive Yes

No

6. Details of Person reporting concerns: (Please see Guidance Notes re. Limitations of confidentiality)

Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Nature and extent of contact with Child/Family: \_\_\_\_\_  
\_\_\_\_\_

7. Details of person completing form;

Name \_\_\_\_\_ Date: \_\_\_\_\_

Occupation: \_\_\_\_\_ Signed: \_\_\_\_\_

### Guidance Notes:

Tusla has a statutory responsibility under the Child Care Act, 1991, to promote the welfare and protection of children in their area. Tusla therefore has an obligation to receive information about any child who is not receiving adequate care and/or protection.

This reporting form is for use by:

- Tusla Personnel
- Professionals and individuals in the provision of child care services in the community who have service contracts with Tusla
- Designated person in a voluntary or community agency
- Any professional, individual or group involved in services to children who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported.

Please fill in as much information and detail as is known to you. (Tusla personnel should do this in consultation with their line manager). This will assist the Social Work Department in assessing the level of risk to the child, or support services required. If the information requested is not known to you, please indicate by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

Tusla aims to work in partnership with parents. If you are making this report in confidence you should note that Tusla cannot guarantee absolute confidentiality as:

- A Court could order that information be disclosed.
- Under the Freedom of Information Act, 1997, the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a 'bona fide report' you are protected under the Protection for Persons Reporting Child Abuse Act, 1998.

If you are unsure if you should report your concerns, please telephone the duty social worker and discuss your concerns with him/her.

Contact details for Health Service Executive social workers:

East	Central	West
<b>Principal Social Worker</b> Deirdre Doherty  <b>Social Workers</b> Monica Leonard Martin Breslin Philomena Maria Declan Quigley  <b>Child Care Worker</b> Vacant	<b>Principal Social Worker</b> Michael Gallagher  <b>Social Workers</b> Nicola Harvey Martin Benson Michael Campbell Pauline McCauley Lucy Dineen  <b>Child Care Worker</b> Caroline Byrne	<b>Principal Social Worker</b> Ti na Gardiner  <b>Social Workers</b> Deirdre McKenna Georgina O'Brien Caroline Quinn Aisling McLaughlin  <b>Child Care Worker</b> Edel Philips

**Duty Social Worker**

Donegal	Letterkenny	Buncrana
Phone: 074 9721074 Hours: 2 – 5pm Mon-Fri.	Child and Family Agency, Ground Level, Sally Place, Justice Walsh Road, Letterkenny Co. Donegal Phone:074 9123672  Hours: 9 – 5pm Mon-Fri.	Phone:074 9361044 Hours: 2 – 5pm Mon-Fri.

Adopted as agreed on behalf of the Earagail Arts Festival Management Company Board of Directors:



Signed:

Date: 22<sup>nd</sup> April 2023

