



# DONEGAL CIL

## **Child Protection Policy**

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Co. General Manager	Keith Gallagher
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# DONEGAL CENTRE FOR INDEPENDENT LIVING CHILD PROTECTION POLICY

## Purpose

This policy outlines the Donegal Centre for Independent Living's (Donegal CIL) child protection policy and procedure. It aims to support and guide staff that come into regular contact with children providing mostly physical assistance on a one to one basis.

The policy recognises the obligations and duty of care on Donegal CIL working with children and young people as outlined in "Children First: National Guidelines for the Protection and Welfare of Children 2011" and "Our Duty to Care".

## Scope

The policy applies to all staff, students, volunteers, Members of Board of Management working with Donegal CIL. This Policy should be read in conjunction with: **Children First: National Guidelines for the Protection and Welfare of Children**"; **"Our Duty to Care"**; **'Working with Children Donegal CIL Policy on providing intimate care for children'**; **'Donegal CIL Recruitments & Selection Policy'** and the **'Policy for Management of Allegations against Staff.'**

For the purpose of this policy a child is anyone who has not reached their majority of 18 years.

## Principles

As an organisation which may provide a service to children, CIL recognises that the welfare of children is paramount.

- Children have the right to be protected, respected, listened to and have their views taken into consideration.
- Recognize that the welfare of children should always come first, regardless of other considerations.
- Develop a child protection policy that raises awareness of potential abuse and outlines steps to be taken if it is suspected.

- Adopt the safest possible practices to minimize harm or accidents happening to children and protecting workers from taking unnecessary risks that leave them exposed to accusations of abuse or neglect.

## **The Service**

Donegal CIL provides Personal Assistant (PA) supports to children (and adults) with primary physical and sensory disabilities. It is usually a one-to-one service and can range from complex personal and social supports to facilitate independent living to social inclusion.

The future potential service supports to children will fall into two main categories.

1. Support of child in mainstream pre-school setting
2. Support of older children in social community settings

## **Our Duty to Care**

Duty to care is a legal obligation found in law of tort, which requires an individual to exercise reasonable care in regard to the welfare of others, including protecting them from harm. It is a legal requirement that one is expected to uphold in their normal activities to avoid causing injury to others.

The Donegal CIL is committed to protecting and promoting children's rights. This includes creating an environment in which children are valued, their rights are respected and they are treated as individuals.

## **Donegal CIL Code of Behaviour**

Donegal CIL staff are required to:

- ✓ Treat children with dignity, sensitivity and respect
- ✓ Make time to listen, talk to and get to know the child
- ✓ Encourage children to have an input into how things are run

- ✓ Help children to be safe, happy and to have as much fun as possible
- ✓ Never favour one child or children over others
- ✓ Enable children to regard their bodies as their own property
- ✓ Encourage them to express feelings, fears and experiences openly
- ✓ Give written information about the organisation to children and their parents/guardians
- ✓ Know about the principles and practices of child protection including their legal duties
- ✓ Never engaging in sexually provocative games or make suggestive comments, even in fun
- ✓ Respect children's privacy in bathrooms or changing rooms
- ✓ Sensitively ensure that children know about the child protection policy
- ✓ Always respond to complaints or allegations
- ✓ Help children realise the difference between confidentiality and secrecy
- ✓ Be sensitive to the fact that some children are more vulnerable and have special needs
- ✓ Never use physical punishment with children
- ✓ All staff/volunteers are expected to behave in a professional and respectful manner with other staff members and to co-operate in full if requested to do so with members of the Health Service Executive, TUSLA, Gardaí or other such professionals
- ✓ All staff/volunteers are expected to behave in a professional and respectful manner with any clients including children that are in their charge.
- ✓ All staff/volunteers are expected to respect the religious belief/s, cultural identity, ethnic identity, sexuality, sexual identity, ability/disability of other staff, volunteers, clients including children or other professionals that they may be in contact with during the course of their work/practice with Donegal Centre for Independent Living.
- ✓ Behaviour or conduct that discriminates against a person, or child, because of their religious belief/s, cultural identity, ethnic identity, sexuality, sexual identity, and ability/disability will **not** be tolerated.

- ✓ Donegal CIL is obliged to protect its staff members. If any reports are brought to the attention of the designated person by staff members this will be done on a **confidential basis**.

It is important that all staff are aware of their duty of care when working with all service users. This requires staff to always work in the best interest of the service users. Staff have a responsibility to report any concern they have about a child on reasonable grounds that would suggest the possibility of abuse. Under the Protections for Persons Reporting Child Abuse Act 1998 the law protects any person who makes a report of child abuse as long as the report is not malicious and their intentions are genuine.

### **Child Abuse**

Children can be abused in a number of different ways. Usually these are categorised as:

physical abuse; emotional abuse; sexual abuse and neglect. A child may experience more than one type of abuse.

Children with disabilities may be more at risk of abuse because they may experience:

- ❖ Sensory and/or communication difficulties
- ❖ Dependence on others for assistance including intimate care
- ❖ Limited understanding of sexuality or sexual behaviour
- ❖ Contact with numerous carers and helpers
- ❖ Fear of not being believed
- ❖ Perceived unreliability as a witness
- ❖ Contact with a variety of support services i.e. clinical staff, Bus drivers etc.
- ❖ A heightened sense of trust in adults due to increased contact with adults outside the family.

## Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness (see the [HSE Children First National Guidance for Welfare & Protection of Children](#) for details);
- allowing or creating a substantial risk of significant harm to a child.

## Sexual Abuse

Sexual Abuse is when a child is used by another person for their own or someone else's gratification or sexual arousal. This may include physical contact or forcing a child to look at inappropriate material or behave in an inappropriate manner.

## **Neglect**

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.

The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

## **Emotional Abuse**

Emotional abuse is usually found in the relationship between a parent/carer and a child. It happens when a child's needs for affection, approval, consistency and security are not met. Examples include

- Constant yelling, being critical and sarcastic.
- Threatening, scaring a child, belittling them.
- Exposing a child to domestic violence.
- Not being emotionally available to the child.
- Having unrealistic or inappropriate expectations of the child.

## **GUIDELINES IF A MEMBER OF STAFF HAS A CONCERN**

Donegal CIL Staff may in future work with children in a variety of settings, pre-school, home, community and social clubs. They will get to know children well and may even be required to deliver intimate personal care. If during the course of their work a staff member has a concern they should always seek advice.

### **Reporting Concerns**

If any member of Donegal CIL staff has a concern or if they suspect a child or young person is being harmed or is at risk of harm then they have a responsibility to report this. Staff who have a concern must:

- 1. Contact their service Designates Officer (DCIL General Manager).**

You will be asked what your concern is. It may be more appropriate for you to come to the office to outline your concerns and to enable a confidential record of your concern to be made.

Advice will be sought from the Duty Social Worker in appropriate local health office and all concerns will be reported.

- 2. Outside office hours all child protection concerns where there is imminent danger to a child should be referred to the Gardaí.**

If this is the case you must contact the Donegal CIL office the next working day and speak with PA Support Co-Ordinator or Manager to outline your concern and advise us of the actions you have taken.

Often people are worried about reporting concerns. However, the *Protections for Persons Reporting Child Abuse Act 1998* protect any person who makes a report of child abuse as long as the report is not malicious and their intentions are genuine.

## **GUIDELINES IF A CHILD DISCLOSES ALLEGED ABUSE:**

Working with children day to day trusting and positive relationships develop. Children are most likely to make a disclosure to someone they like and trust.

### **How to respond if a child discloses child abuse**

#### **Stay Calm**

- Be calm and as natural as possible. Do not panic. Remember that you have been approached because you are trusted and liked.

#### **Listen**

- Listen to the child and allow the child to disclose at their own pace and in their own language. Do not prompt and do not ask questions

#### **Accept**

- Assure the child that you believe them. False disclosures are very rare in young children.

#### **Reassure**

- Reassure the child that they are not to blame. Explain to them that you must report the abuse in order to get help for the child.
- Reassure the child that your feelings towards him/her have not been affected in a negative way as a result of what s/he has disclosed.
- Reassure the child that s/he was right to tell and that you are there to help support him/her.
- Do not hug or touch the child as this could be misconstrued by the child as yet another effort at abuse. It is possible that the original abuse began with such a gesture.

- Remember that initially the child may be testing your reactions and may only fully open up after a period of time.

### **Record**

- It is important that the person to whom the disclosure has been made differentiate in their own mind between the person who allegedly carried out the abuse and the act of abuse itself. The young person, quite possibly, may love or strongly like the alleged abuser while disliking what was done to him/her.
- **You must never express any judgement about the alleged abuse whilst listening to or talking with the child.**
- **As soon as possible** after a child has spoken to you write down what they said word for word. This first record is important. Do not include any opinion or thoughts. Keep this secure and have to hand when you speak to the PA Co-ordinator. You will be asked to bring this with you to the office. **Do not keep copies.**

### **The Pre-school Setting**

- If a PA is working in a pre-school setting and a child makes a disclosure you must follow the above guidelines. In addition you should report your concerns directly to the School Principal.

### **Remember**

It is very important that staff do not become too emotionally involved with the child as you may become part of the problem rather than the solution.

- a) Listen carefully and reassure the child of your concern for him/her.
- b) Create an atmosphere of trust and openness to the young person. Be honest with the young person and do not make promises that you cannot keep.
- c) Keep an open mind and do not judge the alleged abuser.
- d) Be aware that the young person may be under severe emotional stress.
- e) Do not ask too many questions and never ask specific details of the abuse.

- f) Tell the young person that everything possible will be done to protect and support him/her.
- g) Do not promise that you will keep secret what has been revealed. Explain that some secrets are not helpful and that you might have to tell someone else in order to protect them from further hurt.
- h) Let them talk and share at their own pace.
- i) Be aware of the fear being experienced by the child.
- j) Tell them what you are going to do next.
- k) Be positive.
- l) Follow the Policy Guidelines

### **CONFIDENTIALITY STATEMENT**

Confidentiality must be maintained in respect of all issues and people involved in concerns about abuse. However, the legal principle that the welfare of the child is paramount means that consideration of confidentiality should not be allowed to override the right of children to be protected from harm.

A guarantee cannot be given to a person, providing information relating to concerns about or knowledge of abuse, that the information received will be kept absolutely confidential. All information should be treated in a careful and sensitive manner and should be discussed only with those who 'NEED TO KNOW'.

### **DO NOT**

- ✘ Discuss your concerns or a disclosure with other staff or colleagues
- ✘ Discuss your concerns or a disclosure with friends or family
- ✓ All records pertaining to any incident/allegation must be kept in a secure place.
- ✓ Access to records is limited to the Designated Person and only reviewed by other relevant parties when necessary.

## **MANAGING CHILD PROTECTION CONCERNS.**

Child Protection concerns will be managed by the Designated Team. The team will comprise the Designated Person (Service Manger) and one or two Deputy Designated Persons (PA Support Co-ordinators). The Designated / Deputy Designated Person must be trained in child protection i.e. they must have attended the Children First course run by the HSE and be familiar with the guidelines and procedures to follow if they are informed about a child protection concern.

### **Role of the Designated/ Deputy Designated Person**

The Designated Person is responsible for acting as:

- A source of advice on child protection matters.
- Co-ordinating action within Donegal CIL.
- Ensuring that Donegal CIL's child protection policy and procedures are followed.
- The Designated Person will act as decision maker in cases of concern reported.

### **GUIDELINES FOR RECEIVING A REPORT OF A CONCERN OR DISCLOSURE**

The person receiving the report should:

- Reassure the member of staff making the report that they have acted appropriately
- If it can be arranged in a timely fashion it is more appropriate for the staff member to come to the office. If this is not possible the person taking the report should remove themselves to a separate office space and listen to the concerns raised'
- Take written record from the reporter. This report should be factual and unbiased. It should be signed and dated.
- Arrange for staff member to come to the office as soon as possible to make a written report. This report should be factual and unbiased. It should be signed and dated.
- Explain the next steps to the member of staff.

- Remind them of their responsibilities with respect to confidentiality
- After the initial report has been made, ensure the staff member has support, it can be stressful and challenging to have a child disclose a concern or to have observed a situation that is of cause for concern. Staff should be invited to the office for a follow up meeting / debrief.

### **Next STEPS**

- If the person taking report is not the Designated Person they must be informed as soon as possible
- The Designated Person must review the report in consultation with the Manager and make a decision on how to proceed with the suspicion/allegation.
- It is the policy of CIL that parents be informed that a report has been made to TUSLA unless doing so would put the child at further risk.
- It is the role of the Designated Person to assess the situation and inform parents of the report.
- The Designated/ Deputy Designated person will always take advice from the TUSLA Duty Social Worker.
- All concerns will be reported to the Duty Social Worker by phone.
- The Designated Person will ensure that appropriate information is available at the time of referral to TUSLA and that the referral is confirmed in writing.
- If there is a concern that the child is in serious imminent danger or has suffered a recent trauma, the Duty Social Worker in the area and the Gardai must be informed.
- It is a recommendation in Children First that if a decision is made not to proceed with the allegation, the employee who reported the suspected abuse should be informed in

writing why this decision was taken. The employee will be informed that they have the right to report the matter to the Duty Social Worker or Gardai police on their own accord.

- The Designated Person **will not** investigate the case themselves – his/her role is to notify the relevant TUSLA Department/member of staff.

### **Record Keeping**

- A Confidential case record will be kept.
- Only one copy will be kept and duplicates will not be made.
- Individual / personal notes should not be kept separately but may be kept in Confidential Case File.
- The record will be kept secure. If the record is electronic it must be encrypted and password protected
- This will not be kept in the main Service User File

### **Practice Review**

After any reporting of concern the Designated Team will reconvene within 4 weeks to review the incident and the organisational policies. A member of the team will contact the Reporter to follow up and seek their opinion on the experience. The Designated Team can also make recommendations for change or to consider if any changes in practice can improve the service.

**Standard Form for Reporting Child Protection and/or Welfare Concerns to TUSLA**

**PRIVATE AND CONFIDENTIAL**

In case of an emergency or outside Health Board hours, contact should be made with An Garda Síochána.

**A. To Principal Social Worker/Designate:** \_\_\_\_\_

**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 any /if known:**

\_\_\_\_\_

**1c. Household Composition:**

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

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. State only fact**

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**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: \_\_\_\_\_

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

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

Gardaí: \_\_\_\_\_

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

School / Pre-School: \_\_\_\_\_

Other Services) \_\_\_\_\_

\_\_\_\_\_

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

Yes  No

If Yes, what is their response?

\_\_\_\_\_

**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: \_\_\_\_\_

**Donegal Child Protection Social  
Work Services  
TUSLA Duty Social Work Numbers**

<i><b>Community Care Area</b></i>	<i><b>Address</b></i>	<i><b>Phone No.</b></i>	
<b>Donegal West Central</b>	Child & Family Agency County Clinic St. Conal's Hospital Letterkenny	(074) 9104714	
	Child & Family Agency Millenium Court Pearse Rd Letterkenny	074 9104714	
<b>Donegal East</b>	Child & Family Agency Links Business Centre Lisfannon, Buncrana	074 9320420	
<b>Donegal West</b>	Child & Family Agency Euro House Killybegs Road DONEGAL TOWN	074 9723540	

### Donegal Area Garda Stations

Station	Location	Tel
Letterkenny	New Line Rd Letterkenny	074 9122222
Ballyshannon	Portnason Ballyshannon	071 9858530
Buncrana	Lisfannon Buncrana	074 9320540