



**carmichaelcentre**

## CHILD PROTECTION POLICY

**Document Control – Approvals**

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## **1 Introduction**

Carmichael Centre is fully committed to safeguarding the well-being of children by protecting them from physical, sexual and emotional harm and neglect. Carmichael Centre accepts that in all matters concerning child protection, the welfare and protection of children is paramount. Although Carmichael Centre does not directly provide services to or work with children, we do as an organisation come into contact with children using our facilities and so it is considered important that we are fully compliant with all relevant child protection guidance and legislation.

### **1.1 Child Protection Policy Statement**

This policy document has been created with reference to:

- Children First National Guidance
- Child Protection and Welfare Practice Handbook
- The Interim Guide for the Development of Child Protection, Welfare Policy, Procedures and Practices
- Our Duty to Care: The principles of good practice for the protection of children and young people.

### **1.2 Responsibility In Developing Child Protection Policy**

Carmichael Centre has a responsibility to ensure that the following elements are included:

- i. clear descriptions of responsibility both individual and organisational,
- ii. organisation and management arrangements, as well as procedures for child protection,
- iii. expectations of best professional practice,
- iv. arrangements for training and support of employees/volunteers.

### **1.3 Child Protection Policy Aim**

Carmichael Centre's Child Protection Policy Aim is to:

- i. ensure best practice in the recruitment of employees/volunteers, which includes Garda vetting, taking up of references, good HR practices in interviewing, induction training, probation and on-going supervision and management;
- ii. ensure that employees/volunteers are aware of how to recognise signs of child abuse or neglect;
- iii. provide guidance and procedures for employees/volunteers who may have reasonable grounds for concern about the safety and welfare of children involved with the organisation.
- iv. identify a Designated Liaison Person (and Deputy) (DLPs) to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. The DLPs are responsible for reporting allegations or suspicions of child abuse to Tusla (the Child and Family Agency) or to An Garda Síochána.

## **2 Definition And Recognition Of Child Abuse**

### **2.1 Types Of Child Abuse**

This section outlines the principal types of child abuse and offers guidance on how to recognise such abuse. Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time.

In accordance with Children First: National Guidance, 'a child' means a person under the age of 18 years, excluding a person who is or has been married. A brief definition of different types of child abuse is given below, further details contained in the appendix to this document and in the Children First National Guidance Section 2.

### **2.2 Definition Of 'Neglect'**

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

### **2.3 Definition Of 'Emotional Abuse'**

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. See the Appendix to this Document for more information.

### **2.4 Definition Of '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. See the Appendix to this Document for more information.

### **2.5 Definition of 'Sexual abuse'**

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. See the Appendix to this Document for more information.

### **2.6 Bullying**

Bullying can be defined as repeated aggression – whether it be 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 school. See

Children First National Guidance Section 9.4. See the Appendix to this Document for more information.

### **2.7 *Bullying In Schools***

It is recognised that bullying in schools is a particular problem. In the first instance, it is the school authorities that are responsible for dealing with bullying in school. School authorities should exercise this responsibility by having regard to the existing advice and guidance on countering bullying behaviour in primary and post-primary schools.

## **3 Recognising Child Neglect Or Abuse**

Child neglect or abuse can often be difficult to identify and may present in many forms. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

### **3.1 *Guidelines For Recognition***

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child neglect or abuse:

(i) considering the possibility;

(ii) looking out for signs of neglect or abuse;

(iii) recording of information. See Children First National Guidance Section 2.7

See the Appendix to this Document for more information.

### **3.2 *Children With Additional Vulnerabilities***

Certain children are more vulnerable to abuse than others. Such children include those with disabilities, children who are homeless and those who, for one reason or another, are separated from their parents or other family members and who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are applicable, but may take a slightly different form.

## **4 Basis For Reporting Concerns And Standard Reporting Procedure**

This section offers guidance to those who may be concerned or who suspect that children are being abused or neglected or at risk of abuse or neglect. It outlines the standard reporting procedure to be used by employees/volunteers in responding to such concerns.

#### **4.1 Responsibility To Report Child Abuse Or Neglect**

Carmichael Centre's employees/volunteers have responsibilities under various pieces of Child Protection legislation. See the Appendix to this Document for more information.

#### **4.2 How to Respond To A Disclosure Of Abuse**

A child or young person will carefully select a person to confide in. That chosen person will be someone they trust and have confidence in. It is important that a child or young person who discloses child abuse feels supported and facilitated in what may be a frightening and traumatic process for them. A child or young person may feel perplexed, afraid, angry, despondent and guilty. It is important that any negative feelings they may have are not made worse by the kind of response they receive. A child or young person who divulges child abuse has engaged in an act of trust and their disclosure must be treated with respect, sensitivity, urgency and care.

**It is of the utmost importance that disclosures are treated in a sensitive and discreet manner.**

**Anyone responding to a child making such a disclosure should take the following steps.**

- (a) Take what the child or young person says seriously.
- (b) React calmly, as over-reaction may intimidate the child or young person and increase any feelings of guilt that they may have.
- (c) Reassure the child or young person that they were correct to tell somebody what happened.
- (d) Listen carefully and attentively.
- (e) Never ask leading questions.
- (f) Use open-ended questions to clarify what is being said and try to avoid having them repeat what they have told you.
- (g) Do not promise to keep secrets.
- (h) Advise that you will offer support but that you must pass on the information.
- (i) Do not express any opinions about the alleged abuser to the person reporting to you.
- (j) Explain and make sure that the child understands what will happen next. Do not confront the alleged abuser.

#### **4.3 Reporting Procedures**

Following a disclosure of abuse, employees/volunteers should:

Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed.

- (a) Record the event, sign and date all reports and indicate the time the notes were made.
- (b) Ensure that the information is treated with the utmost confidence.
- (c) Allegations should not be investigated by employees/volunteers.
- (d) Employees/volunteers should pass that report to the Designated Liaison Person (or Deputy) in Carmichael Centre.

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm. In the event of an emergency where you think a child is in immediate danger you should contact the Gardaí in the first instance. The nearest Garda station to Carmichael Centre is the Bridewell Garda Station, Chancery Street, Dublin 7. T: +353 1 666 8200 and ask to be put through to the Bridewell Garda Station.

**What Does an Employee/Volunteer do if they Suspect or have reasonable grounds for concern that a Child or Young Person is Being Abused**

Try to ensure in so far as is possible that no situation arises that could cause any further risk to the individual.

- (a) Record the facts as you know them. Include the child's name, address, nature of the concern, allegation or disclosure and, where possible, information about a parent or guardian. Employees/volunteers should pass that report to the Designated Liaison Person (or Deputy) in the Carmichael Centre.

The following examples from the Child Protection and Welfare Practice Handbook (HSE) would constitute reasonable grounds for concern:

- (a) An injury of behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse.
- (b) Consistent indication over a period of time that a child or young person is suffering from emotional or physical neglect.
- (c) Admission or indication by someone of an alleged abuse.
- (d) A specific indication from a child or young person that they were abused.
- (e) An account from a person who saw the child or young person being abused.
- (f) Evidence, such as injury or behaviour, that is consistent with abuse and unlikely to have been caused in any other way.

#### **4.4 Parents and Guardians**

Where any report is being made to Tusla (the Child and Family Agency) or An Garda Síochána in respect of a person under 18 years of age parents or guardians should be informed unless doing so would put the child or young person at further risk.

#### **4.5 Designated Liaison Persons (DLPs)**

Carmichael Centre (DLP):

**NAME: Andrew Madden**

T: 01 873 5702 Ext 311

M: 086 820 8658

E: [andrew@carmichaelcentre.ie](mailto:andrew@carmichaelcentre.ie)

Carmichael Centre (Deputy DLP)

**NAME: Edel Murphy**

T: 01 873 5702 Ext 145

M:

E: [edel@carmichaelcentre.ie](mailto:edel@carmichaelcentre.ie)

#### **4.6 Information To Be Included When Making A Report**

The ability of Tusla (the Child and Family Agency) or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much detail as possible should be provided. See the Appendix to this Document for more information.

#### **4.7 Cases Not Reported To Tusla (the Child and Family Agency) Or An Garda Síochána**

In those cases where the Carmichael Centre decides not to report concerns to Tusla (the Child and Family Agency) or An Garda Síochána, the individual employee or volunteer who raised the concern will be given a clear written statement of the reasons why no report is being made. The employee or volunteer should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Tusla (the Child and Family Agency) or An Garda Síochána.

#### **4.8 Retrospective Disclosures By Adults**

An increasing number of adults are disclosing abuse that took place during their childhoods. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the employee/volunteer should follow the reporting procedure as set out in Paragraph 4.3.

The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see [www.hse-ncs.ie/en](http://www.hse-ncs.ie/en)). The service can be accessed either through healthcare professionals or by way of self-referral (Freephone 1800 477477).

#### **4.9 Legal Protection**

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. See the Appendix to this Document for more information.

#### **4.10 Confidentiality**

All information regarding concern or assessment of child abuse or neglect should be shared on 'a need to know' basis in the interests of the child. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. Employees/volunteers should not give any undertakings regarding secrecy.

#### **4.11 Record Keeping/Storage of Carmichael Centre's Refereeing and Vetting documents**

See Carmichael Centre Data Protection & Policy (Employee Hand Book).

### **5 Peer Abuse**

In some cases of child abuse, the alleged perpetrator will be another child. In such situations, it is particularly important to consider how Tusla (the Child and Family Agency) and other agencies can provide care for both the child victim and the child abuser. See the Appendix to this Document for more information.

### **6 Sexual Abuse By Children And Young People**

Research shows that teenagers perpetrate a considerable proportion of child sexual abuse. See the Appendix to this Document for more information.

### **7 Staff Recruitment Process**

See Carmichael Centre Recruitment Policy (Employee Hand Book Recruitment Section 2).

### **8 Training In Child Protection And Welfare**

Objectives

- i. to ensure that employees/volunteers are equipped with appropriate information and knowledge to deliver any Carmichael Centre programme in a way which ensures that the welfare and safety of children is paramount.
- ii. to ensure that employees/volunteers are aware of relevant legislation, national guidelines and child protection procedures and protocols;

- iii. to ensure that employees/volunteers are aware of all of the above particularly in relation to Carmichael Centre activities run in conjunction with third party providers.

See Carmichael Centre Training & Development Policy (Employee Hand Book Section 3 Recruitment)

### **8.1 Carmichael Centre Volunteer Training**

See Carmichael Centre Employee Handbook Policy

## 9 Guidance for Carmichael Centre as an employer Dealing With An Allegation Of Abuse

If an allegation is made against an employee /volunteer within Carmichael Centre, we will ensure that everyone involved gets a proper response. This involves making sure that two separate procedures are followed:

- the reporting procedure in respect of the child;
- the procedure for dealing with the employee/volunteer

The same person will not deal with both of the above.

When an allegation of abuse is received against employees/volunteers it will be assessed promptly and carefully by Carmichael Centre. Action taken in reporting an allegation of child abuse against an employee/volunteer should be based on an opinion formed 'reasonably and in good faith'. It will be necessary to decide whether a formal report should be made to Tusla (the Child and Family Agency) Children and Family Services. *This decision should be based on reasonable grounds for concern, as outlined in earlier in this policy document.*

The first priority is to ensure that no child or young person is exposed to unnecessary risk. Carmichael Centre, as an employer, will as a matter of urgency take any necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee/volunteer financially or otherwise, unless necessary to protect children. Where protective measures penalise the employee/volunteer it is important that early consideration be given to the case.

Any action taken should be guided by agreed procedures, the applicable employment contract and the rules of natural justice.

The Chief Executive Officer of Carmichael Centre, should be informed about the allegation as soon as possible. When Carmichael Centre becomes aware of an allegation of abuse of a child or children by an employee/volunteer during the execution of that person's duties, The Chief Executive Officer of Carmichael Centre will inform the employee/volunteer of the following:

- (i) the fact that an allegation has been made against him or her;
- (ii) the nature of the allegation.

The employee/volunteer will be afforded an opportunity to respond. The Chief Executive Officer of Carmichael Centre will note the response and pass on this information if making a formal report to Tusla (the Child and Family Agency) Children and Family Services.

Everyone in Carmichael Centre will take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by Tusla (the Child and Family Agency) or An Garda Síochána. The Chief Executive Officer of Carmichael Centre will maintain a close liaison with the statutory authorities to achieve this.

Carmichael Centre should be notified of the outcome of an investigation and/or assessment. This will assist them in reaching a decision about the action to be taken in the longer term concerning the employee.

Note: The reporting procedure in respect of the child will be dealt with by the Carmichael Centre Designated Liaison Person (or Deputy) unless there is any reason why this is not possible.

In the event that it is not appropriate for the CEO to carry out the responsibilities above, the Chairperson of Carmichael Centre will do so.

## **10 National Contacts For Tusla (The Child and Family Agency)**

National contacts for Tusla (The Child and Family Agency) are listed on Tusla website.

(<http://www.tusla.ie/get-in-touch/duty-social-work-teams/>).

## **11 Carmichael Centre's Principles of Good Practice**

Carmichael Centre and all of its Employees/Volunteers Should:

- Acknowledge the rights of children and young people to be protected, treated with respect, listened to and have their own views taken into consideration.
- Recognise that the welfare of children and young people must always come first, regardless of all other considerations.
- Adopt the safest possible practices to minimise the possibility of harm or accidents happening to children and young people and protect employees/volunteers from the necessity to take risks and leave themselves open to accusations of abuse or neglect.
- Adopt and consistently apply clearly defined methods of recruiting staff and volunteers.
- Develop procedures for responding to accidents and complaints.
- Remember that early intervention with children or young people who are vulnerable or at risk may prevent serious harm from happening to them at a later stage.
- Remember that a child's age, gender and background affect the way they experience and understand what is happening to them.
- Provide child protection training for employees/volunteers. This should clarify the responsibilities of both organisations and individuals, and clearly show the procedures to be followed as set out in this document.
- Co-operate with any other child care and protection agencies and professionals by sharing information when necessary and working together towards the best possible outcome for the children and young people concerned.
- Make links with other relevant organisations in order to ensure that Carmichael Centre has the best child protection and welfare policies and practices.
- Remember that valuing children and young people means valuing employees/volunteers as well; insisting on safe practices, eliminating the necessity for employees/volunteers to take risks and providing them with support will make for a healthier and safer organisation.

## **12 Code of Behaviour / Good Practice Guidelines Employees/Volunteers**

- Employees/Volunteers should be sensitive to the fact that jokes of a sexual nature may be offensive to others and should never be told in the presence of children/young people.
- Employees/Volunteers and staff should be sensitive to the implications of becoming too involved with or spending a lot of time with any one young person.
- Where Employees/Volunteers have a concern about the nature of a particular relationship involving themselves or another staff member or young person, they should discuss it with a supervisor or experienced colleague. It should be remembered that professional boundaries should be maintained at all times by employees/volunteers.
- Carmichael Centre Employees/Volunteers should not normally find themselves alone with a child during the course of their work. However in the unlikely event that this happens Employees/Volunteers should assess the situation and respond accordingly. If a child is distressed every effort should be made to identify which person/organisation the child is with and contact that person/organisation and tell them about the situation.
- As a general rule any physical contact between Employees/Volunteers and a child should be in response to the needs of the child and not the needs of the adult. While physical contact can be used to comfort, reassure or assist a child the following should be factors in assessing its appropriateness: it is acceptable to the child concerned, it is open and not secretive and it is appropriate to the age and developmental stage of the child.
- It is recommended that if Employees/Volunteers provide transport for children/young people in the course of their work with Carmichael Centre (in an emergency for example) there should in so far as is possible be at least one other employee/volunteer in the car and that such transport should only be provided with the full knowledge and consent of the young person(s)' parents or guardian(s).
- Employees/Volunteers must never physically punish or be verbally abusive to a child/young person.

## **13 Appendix - Types Of Child Abuse**

### ***13.1 Definition Of 'Neglect'***

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care. 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. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation. 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.

### ***13.2 Definition Of 'Emotional Abuse'***

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include:

- (i) the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- (ii) conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- (iii) emotional unavailability of the child's parent/carer;
- (iv) unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- (v) premature imposition of responsibility on the child;
- (vi) unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
- (vii) under- or over-protection of the child;

- (viii) failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- (ix) use of unreasonable or over-harsh disciplinary measures;
- (x) exposure to domestic violence;
- (xi) exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

### ***13.3 Definition Of '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:

- (i) severe physical punishment;
- (ii) beating, slapping, hitting or kicking;
- (iii) pushing, shaking or throwing;
- (iv) pinching, biting, choking or hair-pulling;
- (v) terrorising with threats;
- (vi) observing violence;
- (vii) use of excessive force in handling;
- (viii) deliberate poisoning;
- (ix) suffocation;
- (x) fabricated/induced illness;
- (xi) allowing or creating a substantial risk of significant harm to a child.

### **13.4 Definition of 'Sexual abuse'**

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. Examples of child sexual abuse include:

- (i) exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- (ii) intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- (iii) masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- (iv) sexual intercourse with the child, whether oral, vaginal or anal;
- (v) sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse;
- (vi) consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

### **13.5 Bullying**

Bullying can be defined as repeated aggression – whether it be 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 school. See Children First National Guidance Section 9.4. It includes behaviours such as teasing, taunting, threatening, hitting or extortion by one or more persons against a victim. Bullying can also take the form of racial abuse. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the Internet and other personal devices.

Bullying of children can also be perpetrated by adults, including adults who are not related to the child. Bullying behaviour when perpetrated by adults, rather than children, could be regarded as physical or emotional abuse. However, other major forms of child abuse, such as neglect and sexual abuse, are not normally comprehended by the term 'bullying'.

### **13.6 Guidelines For Recognition**

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child neglect or abuse:

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) recording of information. See Children First National Guidance Section 2.7

#### **Stage 1: Considering the possibility**

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

#### **Stage 2: Looking out for signs of neglect or abuse**

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing Tusla (the Child and Family Agency). The child should not be interviewed in detail about the alleged abuse without first consulting with Tusla (the Child and Family Agency). This may be more appropriately carried out by a social worker or An Garda Síochána.

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

- (i) disclosure of abuse by a child or young person;
- (ii) age-inappropriate or abnormal sexual play or knowledge;
- (iii) specific injuries or patterns of injuries;
- (iv) absconding from home or a care situation;
- (v) attempted suicide;
- (vi) underage pregnancy or sexually transmitted disease;
- (vii) signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### **Stage 3: Recording of information**

If neglect or abuse is suspected and acted upon, for example, by informing Tusla (the Child and Family Agency), it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

### **13.7 Responsibility To Report Child Abuse Or Neglect**

Carmichael Centre's employees/volunteers have a responsibility under various pieces of Child Protection legislation as set out in the appendix of this document.

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

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.

In 2012 Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act of 2012 was passed.

This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult.

A person shall be guilty of an offence if -

- (a) he/she knows of a specified offence having been committed by another person against a child or vulnerable adult and
- (b) he/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person

and fails, **without reasonable excuse**, to disclose that information to an Gardai Siochana.

### **13.8 Information To Be Included When Making A Report**

The ability of Tusla (the Child and Family Agency) or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much detail as possible should be provided. See the Appendix to this Document for more information.

- (i) the name, address and age of the child (or children) for whom the report is being made;
- (ii) the name of the child's school;
- (iii) the name and contact details of the person reporting concerns;
- (iv) whether the person reporting is a professional, a person working with children or a member of the public;
- (v) the relationship to the child of the person making the report;
- (vi) a full account of what constitutes the grounds for concern in relation to the protection and welfare of the child or children, e.g. details of the allegation, incident, dates, description of any injuries, etc;
- (vii) the names and addresses of the parents/carers of the child or children;
- (viii) the names of other children in the household;
- (ix) the name, address and details of the person allegedly causing concern in relation to the child or children;
- (x) the child's and/or parents/carers' own views, if known and relevant;
- (xi) the names and addresses of other personnel or agencies involved with the child or children, e.g. GP, social worker, public health nurse, Gardaí, etc;
- (xii) any other relevant information.

### **13.9 Legal Protection**

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern 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.

## **14 Appendix - Peer Abuse**

In some cases of child abuse, the alleged perpetrator will be another child. In such situations, it is particularly important to consider how Tusla (the Child and Family Agency) and other agencies can provide care for both the child victim and the child abuser. The purpose of this next section, General Guidelines, is to provide guidance on the identification of and response to such cases.

### **14.1 General Guidelines**

In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim and the alleged abuser – i.e. it should be considered a child care and protection issue for both children.

Abusive behaviour that is perpetrated by children must be acted upon. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

As in all cases of child abuse, it is essential to respond to the needs of children who are abused by their peers. Each individual case will require its own unique intervention. Appropriate support and services should be provided to the child and his or her parents/carers as quickly as possible. In the case of child sexual abuse by peers, treatment approaches may include individual treatment and/or group therapy for the child or adolescent.

Children who are abusive towards other children also require comprehensive assessment and therapeutic intervention by skilled child care professionals. Treatment is more likely to be effective if begun early in the child's life.

It is known that some adult abusers begin abusing during childhood and adolescence, that significant numbers will have suffered abuse themselves and that the abuse is likely to become progressively more serious. Early referral and intervention is therefore essential.

Future abuse can be prevented if intervention takes place early in the child's life. Therefore, it is essential to refer concerns about peer abuse immediately to Tusla (the Child and Family Agency). Tusla (the Child and Family Agency) should establish appropriate treatment programmes to cater for children who engage in abusive behaviour with other children.

It should be anticipated that an allegation of peer abuse will have a detrimental impact on relationships between the alleged abuser, his or her parents/carers and other family members. A negative impact on other social relationships, such as with peers and neighbours, should also be anticipated. As a result, the child and family may experience isolation, and in some situations victimisation, following an allegation of abuse. The child's parents/carers will need support and advice to help them understand the abusive behaviour and to deal with the situation. Active participation and commitment by parents/carers can be an important factor in the success of treatment and may be crucial in influencing the general outcome of the case. It is therefore essential to provide adequate support services to the child and family throughout the assessment and treatment processes.

## **15 Appendix - Sexual Abuse By Children And Young People**

Research shows that teenagers perpetrate a considerable proportion of child sexual abuse.

Such cases should be referred to Tusla (the Child and Family Agency). It is important that the different types of behaviour are clearly identified and that no young person is wrongly labelled 'a child abuser' without a clear analysis of the particular behaviour. Four categories of behaviour warrant attention: normal sexual exploration; abuse reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescents and young people.

**Normal sexual exploration:** This could consist of naive play between two children that involves the exploration of their sexuality. This type of behaviour may be prompted by exchanges between children, such as 'You show me yours and I'll show you mine'. One of the key aspects of this behaviour is its tone: there should not be any coercive or dominating aspects to this behaviour. Usually, there is no need for child protection intervention of any kind in this type of situation.

**Abuse reactive behaviour:** In this situation, one child who has been abused already acts out the same behaviour on another child. This is serious behaviour and needs to be treated as such. In addition to responding to the needs of the abused child, the needs of the child perpetrator in this situation must also be addressed.

**Sexually obsessive behaviour:** In this type of situation, the children may engage in sexually compulsive behaviour. An example of this would be excessive masturbation, which may well be meeting some other emotional need. Most children masturbate at some point in their lives. However, in families where care and attention is missing, they may have extreme comfort needs that are not being met and may move from masturbation to excessive interest or curiosity in sex, which takes on excessive or compulsive aspects. These children may not have been sexually abused, but they may be extremely needy and may require very specific help in addressing those needs.

**Abusive behaviour by adolescents and young people:** Behaviour that is abusive will have elements of domination, coercion or bribery, and certainly secrecy. The fact that the behaviour is carried out by an adolescent, for example, does not, in itself, make it 'experimentation'. However, if there is no age difference between the two children or no difference in status, power or intellect, then one could argue that this is indeed experimentation. On the other hand, if, for example, the adolescent is aged 13 and the child is aged 3, this gap in itself creates an abusive quality that should be taken seriously.

## **16 Appendix - Relevant Legislation**

### **16.1 Protections for Persons Reporting Child Abuse Act 1998**

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. See the Appendix to this Document for more information.

### **16.2 Section 176 of Criminal Justice Act 2006 (Reckless Endangerment)**

(2) 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.

- c) (3) Where a person is charged with an offence under subsection (2), no further proceedings in the matter (other than any remand in custody or on bail) shall be taken except by or with the consent of the Director of Public Prosecutions.
- d) (4) A person guilty of an offence under this section is liable on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or both.

### **16.3 Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012**

In 2012 Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act of 2012 was passed.

This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult.

A person shall be guilty of an offence if -

- (a) he/she knows of a specified offence having been committed by another person against a child or vulnerable adult and
- (b) he/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person

and fails, **without reasonable excuse**, to disclose that information to an Gardai Siochana.

#### **16.4 National Vetting Bureau (Children and Vulnerable Persons) Act 2012**

The National Vetting Bureau Act 2012 makes provision for the protection of children and vulnerable persons and, for that purpose,

- a) to provide for the establishment and maintenance of a National Vetting Bureau Database System;
- b) to provide for the establishment of procedures that are to apply in respect of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons;
- c) to amend the Garda Síochána Act 2005 to provide for the change of name of the Garda Central Vetting Unit to the National Vetting Bureau;
- d) and to provide for related matters.

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