



**OMBUDSMAN FOR CHILDREN'S OFFICE**  
**CHILD PROTECTION POLICY AND PROCEDURES**

**DECEMBER 2012**

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## 1. INTRODUCTION

The Ombudsman for Children's Office (OCO) is the independent national human rights institution for children living in Ireland. Established under primary legislation, the Ombudsman for Children Act, 2002, the OCO has an overall statutory mandate to promote and monitor the rights and welfare of children and young people up to the age of 18 years living in Ireland.

Provided for under the 2002 Act, the Ombudsman for Children's core statutory functions include:

- investigating complaints made by or on behalf of children in relation to the actions, or inactions, of a range of public bodies;
- advising any Government Minister on any matter relating to the rights and welfare of children, including legislative and public policy developments affecting children;
- promoting awareness among members of the public, including children, of matters relating to children's rights and welfare, including the UN Convention on the rights of the child;
- consulting with children and highlighting matters relating to their rights and welfare that are of concern to children themselves.

Children and young people have played a vital role in the OCO's work since its establishment. OCO initiatives involving direct engagement with children and young people have included:

- working with Youth Advisory Panels;
- conducting consultations with children and young people, including a nationwide consultation (Big Ballot) and thematic consultations (e.g. child-friendly justice, child-friendly healthcare, tackling bullying in schools);
- dedicated projects to hear and highlight the views of vulnerable groups of young people whose voices are seldom heard (separated children, young people in prison, young people with experience of homelessness);
- running a rights education programme for visiting groups of children and young people;
- facilitating work experience placements for young people under 18;
- commissioning research involving children and young people; *and*
- hosting and participating in a wide range of national, regional and local events for children and young people.

In addition, there are times when the OCO has occasion to engage directly with children and young people in the context of its statutory function to receive and investigate complaints.

The OCO will continue to work directly with children and young people on an ongoing basis and in a variety of ways in the context of giving effect to its statutory obligations under the 2002 Act.

Children and young people, and the adults who care for them, need to be confident that the OCO can provide a safe environment. This Child Protection Policy sets out our approach to providing such an environment. It is subject to review by OCO staff and will be amended and updated as required to take account of, *inter alia*, developments in legislation and policy relating to child protection.

At the OCO, we aim to provide as safe an environment as it is possible to do while giving young people exciting opportunities and challenges. We need to follow laws and guidelines and what is seen as “best practice.” However, because our job is to keep an eye on whether laws and practices truly respect children and young people’s rights, we will always be asking ourselves and others whether the rules that are meant to be protecting children are really doing that job. We always seek to exceed minimum standards for child protection set down in the *Children First: National Guidance for the Protection and Welfare of Children* (July 2011).

We welcome comments and suggestions from children and young people, parents and others about our child protection policy and will keep our policy under review to ensure that it is the best it can be.

*Commitment to review this policy and conduct training for staff*

The OCO will keep its child protection policy and procedures under continuous review. The review process will take appropriate account of provisions under relevant legislation and the findings of annual audits proposed under the *Children First Bill 2012*.

It is the responsibility of all members of staff to contribute to the continuous and periodic review of the OCO’s child protection policy and procedures.

We are committed to conducting ongoing training for staff in relation to our child protection policy and procedures.

## 2. POLICY STATEMENT

In fulfilling our statutory responsibility to promote the rights of children and young people, we use the United Nations Convention on the Rights of the Child (CRC) as our guide.

General principles of the CRC are: the right of the child to freedom from discrimination (Article 2); the right of the child to have his/her best interests considered as a primary consideration in all matters affecting him/her (Article 3); and the right of the child to express his/her views freely in all matters affecting him/her, in accordance with his/her age and maturity (Article 12). The CRC also sets out the right of children to protection from abuse (Article 19).

The policy set out in this document is guided by the CRC and based on the official guidelines for the protection of children adopted by the State.

These are set out in the following documents:

1. Department of Children and Youth Affairs, *Children First: National Guidance for the Protection and Welfare of Children* (2011);<sup>1</sup>
2. Department of Health and Children, *Our Duty to Care: Principles of Good Practice for the Protection of Children and Young People* (2001).

Our policy statement on child protection is:

The OCO is committed to providing a safe environment for children and young people with whom we work, one in which they are treated with dignity and respect and protected from all forms of harm and abuse, including exploitation. The best interests of children will be paramount at all times. All staff who come into contact with children and young people in their work have a duty to safeguard and promote the rights of children. Child protection is everyone's business. In the event that we become aware of or suspect that abuse has taken place, or that a potential risk to children is posed by a specific person, we undertake to report the matter without delay to the appropriate authorities.

The OCO will provide training and support in relation to our child protection policy and procedures to all staff.

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<sup>1</sup> Department of Children and Youth Affairs, *Children First: National Guidance for the Protection and Welfare of Children* (Dublin, Government Publications, July 2011); Department of Health and Children, *Our Duty to Care: The Principles of Good Practice for the Protection of Children and Young People* (Dublin: Stationery Office, 2001).

### 3 DEFINITIONS

#### Child Abuse

The principal types of child abuse are set out in *Children First: National Guidance for the Protection and Welfare of Children* (July 2011). These are reproduced below.

It is important that all staff understand these different types of abuse as they are central to the statutory child protection system. Any action taken by the Health Service Executive (HSE), for example, will be based on these definitions. 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.

#### 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.

#### 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.

### **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;<sup>2</sup>
- (xi) allowing or creating a substantial risk of significant harm to a child.

### **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 the following:

- (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

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<sup>2</sup> Munchausen's Syndrome by Proxy, where an adult may fabricate stories of illness about a child or cause physical signs of illness.

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 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.*

### **Matters falling outside of the ambit of the Children First Guidance**

When the OCO receives information which does not fall within the definitions set out above, but which nonetheless raises a concern for the OCO about the welfare, safety, health or well-being of a child, the OCO will raise this concern with the appropriate authorities/agencies.

### **Child/Young person**

Our child protection policies and procedures apply to all children and young people under the age of 18 years with whom we are in contact or who come to our attention

### **Staff**

For the purpose of this policy, staff are defined as:

- persons employed by the OCO on a full or part time basis;
- persons who the OCO contracts for services on a sessional basis;
- persons on placements with the OCO;
- volunteers with the OCO;
- interns with the OCO;
- agency staff.

Young people under 18 years working or on a placement with the OCO are not designated as staff for the purposes of this policy. However, they will be encouraged to discuss any child protection concerns with a Designated Liaison Person (DLP).



#### 4. RECOGNITION OF CHILD NEGLECT OR ABUSE

This information is based on that set out in *Children First: National Guidance for the Protection and Welfare of Children* (2011).

Child neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of child abuse is provided in Appendix 1 of the above *Guidance*. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

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.

##### 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 the HSE Children and Family Services.

Some signs are more indicative of abuse than others. The following examples should be reported to one of the OCO's DLPs:

- disclosure of abuse by a child or young person;
- age-inappropriate or abnormal sexual play or knowledge;
- specific injuries or patterns of injuries;
- absconding from home or a care situation;
- attempted suicide;
- underage pregnancy or sexually transmitted disease;
- signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs 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 the HSE Child and Family Services, it is important to establish the grounds for concern (see 8.1 of this policy for more information about reporting concerns). *Establishing the grounds for concern should not involve interviewing the person reporting the concerns in any detail about the alleged abuse.* 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 much information is stored and to whom it is made available.

## 5. PRINCIPLES OF GOOD PRACTICE

In the OCO, we aim to create an environment in which children are listened to, given a sense of belonging, and kept safe; parents and carers are supported and encouraged; and staff are supported and protected. We will endeavour to do this by ensuring that:

- the OCO complies with all relevant statutory obligations relating to the welfare and protection of children;
- the *Children First: National Guidance for the Protection and Welfare of Children, July 2011* is followed and that a copy is given to each staff member (with additional copies available in the OCO library);
- relevant OCO policies and procedures are followed in the context of implementing our Child Protection Policy;
- the best interests of children are treated as the paramount consideration, regardless of all other considerations;
- safe recruitment and selection procedures are practised for staff employed by the OCO;
- having more than one Designated Liaison Person and ensuring that staff acting as DLPs receive appropriate training and support for this role;
- all staff understand their responsibilities as regards implementing our Child Protection Policy, including their responsibility to refer any child protection concerns to a DLP;
- information relating to any child protection concern is shared on a need to know basis, in the interests of the child and in accordance with the OCO's confidentiality statement (see 7.1. below);
- documentation relating to child protection concerns in respect of any child or young person is filed appropriately, in accordance with the OCO's confidentiality statement (see 7.1. below);
- effective management is provided to all staff through supervision, support and training, including child protection training;
- there are clear procedures in place for responding to accidents and complaints;
- children and young people are aware of the responsibilities placed on OCO staff to report allegations of abuse, including that no undertakings of secrecy can be given;
- parents/carers and appropriate third parties are aware of the responsibility that OCO staff has to report allegations of abuse;
- written records of child protection concerns expressed by or about children/young people are maintained;
- procedure is followed where an allegation is made against a member of OCO staff (see 6.2 below);
- third party contractors and outside agencies who are commissioned to undertake work on behalf of the OCO that involves substantial unsupervised contact with children and young people will be made aware of and, as appropriate, required to confirm that they will comply with the OCO's Child Protection Policy;
- the safest possible practices are adopted in order to minimise the possibility of harm or accidents happening to children and young people visiting the OCO or taking part in OCO events and to protect OCO staff from the need to take risks or any action that could leave them open to allegations of abuse or neglect;

- we cooperate effectively with child care and protection agencies and professionals by sharing information when necessary and working together towards the best possible outcome for the child(ren) concerned;
- we make links with other relevant organisations, as appropriate and required, in order to promote child protection and welfare policies and practices.

## 6. PROCEDURE TO BE FOLLOWED FOR DISCLOSURES, SUSPICIONS OR REPORTS OF ABUSE

### 6.1 General reporting procedure

If a member of staff receives a report or has a suspicion that a child may have been abused, or is being abused, or is at risk of abuse, the following steps must be taken.

- 1) A staff member who receives a disclosure will explain to the informant that the nature of the information disclosed means that it cannot be kept confidential and that they have a duty to report it to the OCO's Designated Liaison Person and HSE Children and Family Services.
- 2) The matter must be reported to the one of the DLPs without delay.
- 3) A member of staff who suspects that a child or young person may be experiencing abuse must bring this to the attention of one of the DLPs without delay.
- 4) A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to a DLP / HSE Children and Family Services.
- 5) The details of the disclosure/suspicion must be recorded in writing immediately using the requisite form (Appendix 1 form). These details must be recorded by the staff member to whom the disclosure has been made or who has a suspicion. A written report should confine itself to a factual description of the disclosure/suspicion and must be given to a DLP.
- 6) If the DLP is satisfied that there are **reasonable grounds** (see section 7.2) for the suspicion or allegation, s/he should make a report to HSE Children and Family Services immediately in person, by phone or in writing. Before deciding whether or not to make a formal written report to the HSE, a DLP can discuss the concerns directly with the relevant HSE Children and Family Services office.
- 7) In the event of an emergency, or the non availability of HSE Children and Family Services staff, the report should be made to An Garda Síochána.
- 8) All written reports must be placed in a secure location by the DLP. The need for confidentiality, as referred to in Section 7.1 below, should be respected.

See Appendix 1 of this Policy for guidelines for preparing written reports.

### 6.2 Reporting procedure in relation to allegations of abuse against a member of staff

If allegations of abuse of a child or young person are made against a staff member, the following procedure must be followed.

- 1) All staff members have a duty to report suspected/alleged abuse of a child by another member of OCO staff, which they have witnessed or been advised of to one of the DLPs.
- 2) The DLP will inform the Ombudsman for Children and the Director of the report without delay.

- 3) The protection of the child must be considered as a priority and any member of staff about whom allegations have been made must be removed from having direct contact with children, with immediate effect. This decision will be taken by the Ombudsman for Children.
- 4) The OCO's Director and the DLP shall review the information received. If they are satisfied that there are **reasonable grounds** for the suspicion or allegation, the DLP should make a report to the HSE Children and Family Services immediately in person, by phone or in writing.
- 5) The Director shall inform the member of staff of the fact that an allegation has been made against him/her and the nature of the allegation. The member of staff shall be afforded an opportunity to respond. Where a report has been/will be made to the HSE Children and Family Services, the staff member's response will also be forwarded to the HSE.
- 6) Internal disciplinary matters will be dealt with by the Director in accordance with the staff member's contract of employment and other relevant internal disciplinary rules. A staff member may be suspended pending investigation of the allegation. This is not to pre-empt the findings of the investigation, but to facilitate the investigation.
- 7) If an allegation is made against one of the DLPs, another DLP and the Director will deal with the matter.
- 8) If an allegation is made against the Ombudsman for Children, the allegation will be referred by the Director to the appropriate external statutory authority for consideration as to the reasonableness of the allegation as per the *Children First Guidance*. If the authority makes a referral to HSE Children and Family Services, it shall notify the HSE of Section 4(3) of the Ombudsman for Children Act, 2002.
- 9) There could be situations in which suspicions or allegations may turn out to be unfounded. It is very important that everyone in the organisation knows that if they raise a concern which, through the process of investigation, is not validated, they have not in any way been wrong in their initial action.
- 10) Responsible action should be encouraged and those who report concerns enabled to feel confident of support.

## **7. Information on key words set out in the reporting procedures**

### **7.1 Confidentiality**

The purpose of this section is to give guidance on issues concerning confidentiality and the exchange of information.

The effective protection of a child often depends on the willingness of staff involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information

All information regarding concerns of child abuse should be shared on "a need to know" basis, in the (best) interests of the child.

No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff with a responsibility for ensuring the protection of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

It must be clearly understood that information gathered for one purpose must not be used for another; the person who provided the information will be informed.

The issue of confidentiality will be part of the training provided to staff working in the OCO.

#### **Exchange of Information**

Arrangements for child protection can only be successful if staff works in partnership and share relevant information, in particular with the HSE and An Garda Síochána.

Anyone who receives information from colleagues about possible or actual child abuse must treat it as having been given in confidence.

### **7.2 REASONABLE GROUNDS**

The following examples, which are set out in the HSE's Child Protection and Welfare Practice Handbook (2011), constitute reasonable grounds for a child protection or welfare concern:

- (i) a specific indication from the child that (s)he was abused;
- (ii) an account from a person who saw the child being abused;

(iii) evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to have been caused in any other way;

(iv) an injury or 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.

(v) consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

(vi) admission or indication by someone of an alleged abuse.

**A suspicion which is not supported by any objective indication of abuse or neglect would not generally constitute a reasonable suspicion or reasonable grounds for concern. However, information which raises concern may be passed on to the HSE Children and Family Services in the absence of any objective indications, at the determination of one of the DLPs, having regard to the reasonable grounds set out in para 7.2. (i) – (vi).**

It is important that persons reporting suspected child abuse to the HSE Children and Family Services should establish the basis for their concerns. At the same time, they should not interview the child or the child's parents/carers in any detail about the alleged abuse without first consulting the HSE; this may be more appropriately carried out by the HSE social worker or An Garda Síochána.

**There is legal protection for persons reporting child protection concerns. The Protection 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 the HSE or to any member of An Garda Síochána. This protection applies to organisations as well as individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took action would have to prove that the person who communicated the concern has 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.**

**There are also separate legal obligations to report child protection concerns and to prevent harm to children under the criminal law, including the Criminal Justice Act 2006 (particularly the offence of reckless endangerment) and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. These are in addition to obligations that arise under the Children First Guidance.**



## 8. Responsibility of Staff

### 8.1 Reporting

The identification and confirmation of alleged and actual abuse must be left to the appropriate professionals and agencies. OCO staff who have concerns about a child or young person who is in contact with the OCO must report their concerns to one of the DLPs. The process by which this happens is detailed below, and the information which must be recorded is outlined in Appendix 1.

In a case where a child or young person makes allegations, it is the responsibility of staff to whom allegations are disclosed to:

- listen to the child or young person rather than questioning them;
- allow the child or young person to freely record events;
- explain to the child or young person what you have to do and who you have to tell;
- record the discussion accurately and in writing as soon as possible after the event, using the Appendix 1 form;
- report the matter orally and in writing to one of the DLPs; or, in the absence of a DLP, to the Director or the Ombudsman for Children.

**If none of the above is available, pass the information directly to HSE or An Garda Síochána. If in doubt: refer.**

**If a member of staff assesses that the child is in immediate danger, s/he should contact An Garda Síochána and advise a DLP as soon as possible.**

Staff must **never** attempt to investigate allegations further. This may impede any later investigations by the authorities.

### 8.2 Meeting children and young people

The following points shall be observed when members of the OCO staff meet with children and young people:

- There should be at least two adults present at all OCO organised events and activities for children and young people.
- The buildings and facilities used for events and activities should be suitable, safe and secure. In particular, fire and evacuation procedures should be in place and a first aid kit should be readily available.
- Alcohol, tobacco and drugs shall never be given or used in the OCO's work with children and young people.

- A record of children and young people participating in an OCO activity shall be kept which should include, where necessary and appropriate, a copy of the signed parental/guardian consent form or letter.
- A written record of OCO staff in attendance at events shall also be kept and an Incident Report Form shall be completed by OCO staff in the event of an accident or incident relating to a child or young person occurring during any OCO activity or event.
- A written record of any instances where an OCO staff member has been alone in a private space with a child is to be kept. In situations where it is unavoidable that a member of staff will meet alone with a child or young person - such as a request from a child or young person to speak confidentially – the member of staff will inform a colleague that such a meeting is taking place. The member of staff will meet the child/young person in a safe space and, whenever practicable, in a room with transparent walls so that s/he and the child/young person are visible to others. In cases where such a meeting needs to happen off site, it shall take place in an equivalent type space (if available) so that the staff member and the child/young person are visible to others. In cases where such a space is not available, the staff member will take practical steps to mitigate this – for example, notifying a colleague and an adult present on the premises that the meeting is taking place; asking a colleague or an adult present on the premises to sit in on the meeting; leaving the door to the room where the meeting is taking place open; asking an adult present on the premises to check-in on the meeting at regular intervals (e.g. every 15 minutes); and/or audio-recording the meeting.
- Children and young people should not be permitted to work or remain in the OCO office unless there are at least two staff members present.
- OCO staff members will not undertake any car or minibus journey alone with a child or young person. If in certain circumstances only one staff member is available, there should be a minimum of two children or young people present for the entire journey. In the event of an emergency where it is necessary to make a journey alone with a child, OCO staff will make a record of this and inform the child's parents or guardians as soon as possible.

### **8.3 Intimate care needs**

Intimate care needs are those personal needs which people would otherwise usually take care of themselves but are unable to due to their age, development or to a disability. Children with certain types of needs might require assistance with eating, drinking or taking medication, and with aspects of personal care such as washing, dressing and toileting.

As staff members may not have the expertise or resources required to meet a child's needs in every situation, the OCO will discuss those needs with the child/young person in question and their parents or guardians to agree on the most appropriate way of meeting them. It may be that the OCO will ask a nominated and trained individual who is not a member of staff - such as a parent or carer - to assist at the event in question.

The OCO shall itself agree to meet the intimate care needs of children and young people only if a member of staff is properly trained to do so and the child or young person concerned has consented to an OCO staff member fulfilling this role.

## **9 ROLE OF THE DESIGNATED LIAISON PERSON**

The Designated Liaison Person (DLP) is responsible for dealing with child protection concerns. The name and contact details of the OCO's DLPs will be made known to everyone involved in the organisation and its activities (workers, children and young people, parents and guardians). The OCO will always have more than one DLP at any one time and will designate staff members to fulfil this role.

The roles of the DLP are:

- to act as a liaison with the statutory agencies responsible for receiving, handling and investigating child protection concerns (i.e. the HSE and An Garda Síochána);
- to act as a resource person for any person involved in the OCO (staff member, child or young person, parent or guardian) who has child protection concerns;
- to ensure that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to HSE Children and Family Services or, in an emergency / as required, to An Garda Síochána.

A further responsibility of DLPs is to ensure that a complete written record is kept in relation to the child protection concern, including subsequent action taken by the OCO, all communications with the statutory authorities, and an acknowledgement of the referral by the HSE.

## 10. SAFE RECRUITMENT AND SELECTION PROCEDURES

In accordance with section 21 of the Ombudsman for Children Act 2002, the staff of the Ombudsman for Children's office are considered to be civil servants in the Civil Service of the State.

Staff appointed to the Office are recruited in one of three ways:

- through the existing civil service personnel section of the Department of Children and Youth Affairs;
- through the Public Appointments Commission;
- directly by the Ombudsman for Children's Office from an agency or on a consultancy basis.

The Ombudsman for Children's Office follows a rigorous recruitment and selection process for all job applicants. This involves:

1. preparing a job description which outlines the responsibilities of the job and a person specification indicating the skills and competencies required to perform the job;
2. ensuring that the job description makes explicit reference to the OCO's Child Protection Policy and corresponding duty to report child protection concerns;
3. applicants being interviewed by a panel that will include children, when appropriate;
4. ensuring that all information provided by applicants is validated and verified and that any information gaps are queried and validated;
5. asking applicants to confirm their identity by providing photographic i.d. together with their signature;
6. making offers of employment subject to satisfactory references, which will include a reference from the current or most recent employer (a minimum of two references will be sought);
7. ensuring that offers of employment are subject to Garda vetting; third parties contracted to conduct work with children and young people will also be subject to Garda vetting.
8. requiring successful applicants to sign a declaration form which obliges them to disclose any information that may affect their suitability for employment in the Office of the Ombudsman for Children (any information about their suitability withheld during the recruitment process may result in the termination of the person's employment);
9. ensuring that, where practicable, recruitment procedures are consistent for all staff employed by the OCO, whether filled on a temporary basis or a permanent basis.

This process will apply to all paid staff working with the Ombudsman for Children's Office, whether it is on a permanent or temporary basis.

## **11. RESIDENTIAL EVENTS**

Residential events are events organised by the OCO, which involve overnight accommodation for children and young people. For information regarding car/bus journeys with children and young people, see section 8.2.

The roles and responsibilities of staff members and other adults participating in residential events should be outlined clearly to children and young people as well as their parents/guardians. While all adults who have a support or supervisory role at such events have a duty of care, an OCO staff member should act as the nominated leader. The leader shall be required to act in loco parentis and to have overall responsibility for the children and young people's well being and sleeping arrangements.

In organising residential events, OCO staff shall have regard to the following:

- If children and young people are sharing rooms, they should be with those of the same age group and sex.
- Children and young people should at all times know where the responsible adults can be found.
- Adequate adult to child ratios should be observed.
- Adults should not sleep in the same room as children or young people (with the exception of parents or carers who have accompanied children with support needs). Where the presence of an adult is needed, there should more than one adult in the room with the adult.

## Appendix 1

### Recording allegations or suspicions of abuse

#### Checklist of details to record where allegations have been made

Name of child or young person

Age

Any special factors

Name of parent/guardian

Home address

Home telephone number

Nature of allegation

Date of allegation

Is the person making the report expressing their own concerns or passing on those of somebody else?

What has prompted the concerns? Include dates, times and details of any specific incidences

Any physical signs? Behavioural signs? Indirect signs? If so, specify.

Has the child or young person been spoken to? If so, what was said?

Have the parents been contacted? If so, what was said?

Has anybody been alleged to be the abuser? If so, record details.

Has anyone else been consulted? If so, record details.

Who information is passed to and date when passed

Follow-up action(s)



## Appendix 2

### Sources of additional Information

- **Signs and symptoms of abuse:** A detailed list of signs and symptoms of child abuse is provided in *Children First: National Guidance for the Protection and Welfare of Children* (July 2011), pp. 70-74
- **Contact details for referrals:** A list of contact details for HSE Children and Family Services, to which referrals should be made is provided in the HSE's *Child Protection and Welfare Practice Handbook* (2011), pp. 132-137.