



**OMBUDSMAN FOR CHILDREN'S OFFICE**

**CHILD PROTECTION POLICY**

**JANUARY 2020**

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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 the Ombudsman for Children Act, 2002, as amended, 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.

Under the 2002 Act, the Ombudsman for Children's core statutory functions are:

- Investigating complaints made by or on behalf of children regarding the actions or inactions of a range of public bodies.
- Promoting the rights and welfare of children and young people.

We are a relevant service under the Children First Guidance 2017. 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:

- conducting consultations with children and young people
- running a rights education programme for groups of children and young people
- meeting with individual children in the context of our Complaints and Investigations work
- 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.

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 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

At the OCO, we aim to provide as safe an environment as possible while giving children exciting opportunities and challenges. We 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 2017*

We welcome comments and suggestions from children and young people, parents and others about our child protection policy.

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

The OCO will keep its child protection policy and procedures under continuous review. 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 have a nominated Relevant Person to oversee our Policy and Procedures as required under *Children First National Guidance for Child Protection and Welfare (2017)*.

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

**This policy should be read alongside the OCO Child Protection Reporting Procedures, Child Safeguarding Statement and Risk Assessment as per *Children First 2017*.**

## 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.

The 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 the on *Children First: National Guidance for the Protection and Welfare of Children (2017)*,<sup>1</sup> the official guidelines for the protection of children adopted by the State.

Our policy statement on child protection is:

The OCO is committed to providing a safe environment for the children and young people with whom we work, an environment 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 or persons, we undertake to report the matter without delay to the appropriate authorities.

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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, 2017)

### 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 2017). These are: neglect, emotional abuse, physical abuse and sexual abuse. A child may experience one or more type of abuse at any given time. Details of these types of abuse and possible indicators of each type are detailed in Chapter 2 of *Children First*. It is essential that all OCO staff familiarise themselves with the definitions and indicators of each type abuse.

In summary, *Children First* defines the four main types of abuse as follows.

- **Neglect** occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. *Children First*, p7.
- **Emotional abuse** is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. .... Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. *Children First*, p8.
- **Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. *Children First*, p9.
- **Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.....It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive. *Children First*, p10.

#### 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 in the Children First guidance, 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.

## **Staff**

For the purpose of this policy, staff includes:

- persons employed by the OCO on a full or part time basis
- persons who the OCO contracts for services on a sessional or on-going basis and who are not employed by a third party organisation
- adults on work 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 must discuss any child protection concerns with the Designated Liaison Person (DLP) as per this policy.

Third party contractors commissioned for services who are employed by an external organisation, such as researchers employed by educational institutions, are not designated as staff under this policy. It is expected that such third party contractors adhere to the child protection policy and procedures of their employing institution.

## **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* (2017).

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 Chapter 2 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 on-going 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, between children and other family members/other adults, or between children and other children. 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 DLP or Tusla.

*Children First* provides a list of potential indicators/features of each type of abuse as follows (see Table 1 below). All OCO staff should familiarise themselves with these.

Some signs are more indicative of abuse than others. The following examples should be reported to Tulsa and/or the Gardaí and to one of OCO's DLP:

- 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.



**Table 1**  
***Children First: National Guidance for the Protection and Welfare of Children***  
**Indicators/Features of Abuse**

<b>Neglect</b>	<b>Emotional Abuse</b>
<ul style="list-style-type: none"> <li>• Children being left alone without adequate care and supervision</li> <li>• Malnourishment, lacking food, unsuitable food or erratic feeding</li> <li>• Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation</li> <li>• Failure to provide adequate care for the child’s medical and developmental needs, including intellectual stimulation</li> <li>• Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture</li> <li>• Lack of adequate clothing</li> <li>• Inattention to basic hygiene</li> <li>• Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child’s age</li> <li>• Persistent failure to attend school</li> <li>• Abandonment or desertion</li> </ul>	<ul style="list-style-type: none"> <li>• Rejection</li> <li>• Lack of comfort and love</li> <li>• Lack of attachment</li> <li>• Lack of proper stimulation (e.g. fun and play)</li> <li>• Lack of continuity of care (e.g. frequent moves, particularly unplanned)</li> <li>• Continuous lack of praise and encouragement</li> <li>• Persistent criticism, sarcasm, hostility or blaming of the child</li> <li>• Bullying</li> <li>• Conditional parenting in which care or affection of a child depends on his or her behaviours or actions</li> <li>• Extreme overprotectiveness Inappropriate non-physical punishment (e.g. locking child in bedroom)</li> <li>• Ongoing family conflicts and family violence</li> <li>• Seriously inappropriate expectations of a child relative to his/her age and stage of development</li> </ul>

**Table 1 (contd.)**  
***Children First: National Guidance for the Protection and Welfare of Children***  
**Indicators/Features of Abuse**

<p><b>Physical Abuse</b></p> <ul style="list-style-type: none"> <li>• Physical punishment</li> <li>• Beating, slapping, hitting or kicking</li> <li>• Pushing, shaking or throwing</li> <li>• Pinching, biting, choking or hair-pulling</li> <li>• Use of excessive force in handling</li> <li>• Deliberate poisoning</li> <li>• Suffocation</li> <li>• Fabricated/induced illness</li> <li>• Female genital mutilation</li> </ul>	<p><b>Sexual Abuse</b></p> <ul style="list-style-type: none"> <li>• Any sexual act intentionally performed in the presence of a child</li> <li>• An invitation to sexual touching or intentional touching or molesting of a child’s body whether by a person or object for the purpose of sexual arousal or gratification</li> <li>• Masturbation in the presence of a child or the involvement of a child in an act of masturbation</li> <li>• Sexual intercourse with a child, whether oral, vaginal or anal</li> <li>• Sexual exploitation of a child, which includes: <ul style="list-style-type: none"> <li>• Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]</li> <li>• Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act</li> <li>• Showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse</li> </ul> </li> <li>• Exposing a child to inappropriate or abusive material through information and communication technology</li> <li>• Consensual sexual activity involving an adult and an underage person</li> </ul>
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### **Stage 3: Recording of information**

If neglect or abuse is suspected and acted upon, for example, by informing Tusla, it is important to establish the grounds for concern (see *Children First*, Chapter 2 and OCO Child Protection Procedures for more information about establishing reasonable grounds for concern and reporting procedures). *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. All information recorded will be subject to the OCO's Data Protection Policy.

## **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 as appropriate; and staff are supported and protected. We will endeavour to do this by ensuring the following.

- All OCO staff members will comply with all relevant statutory obligations relating to the welfare and protection of children.
- We will follow the *Children First: National Guidance for the Protection and Welfare of Children, 2017*. A copy will be given to each staff member (with additional copies available in the OCO library).
- Staff will follow the OCO Child Protection Policy and Child Protection Procedures.
- We will treat the best interests of children as the paramount consideration, regardless of all other considerations.
- We will practice safe recruitment and selection procedures for staff employed by the OCO.
- We will appoint a DLP and Deputy DLP and ensure they receive appropriate training and support for this role.
- We will nominate a Relevant Person as per *Children First 2017*.
- We will share information relating to any child protection concern on a need to know basis both internally and with external agencies in the interests of the child and in accordance with the OCO's confidentiality statement (see OCO Child Protection Procedures for further information).
- We will record, store, retain and destroy all documentation relating to child protection concerns in respect of any child or young person appropriately and in line with our legal obligations under the GDPR and the OCO Data Protection policies and procedures.

- We will provide effective management to all staff through supervision, support and training, including child protection training.
- We will make children and young people, their parents/guardians and all third parties aware of the responsibilities placed on OCO staff to report allegations of abuse, including that no undertakings of secrecy can be given;
- We will follow the procedure set out in the OCO Child Protection Procedures where an allegation is made against a member of OCO staff (see OCO Child Protection Procedures for further information);
- We will require outside agencies who are commissioned to undertake work on behalf of the OCO that involves substantial unsupervised contact with children and young people to submit their Child Safeguarding Statement and Child Protection Policy prior to a contract being awarded.
- In line with best practice, we will adopt the safest possible practices in order to minimise the possibility of harm to children and young people engaging with us 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 will 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 will link with other relevant organisations, as appropriate and required, in order to promote child protection and welfare policies and practices.
- In order to help protect children from online abuse and harm while accessing our services, the OCO operates a password protected wifi service. Access to this service is currently restricted to children and children's organisations who are invited into the office. In order to safeguard children the OCO will create a Guest sign in account for visitors to the OCO and operate parental controls as appropriate in order to encourage appropriate usage of our wifi service and provide safer internet access for children.