

**NATIONAL GALLERY OF IRELAND**

**CHILD PROTECTION POLICY**

**2020**

## Policy Owner

**Patricia Golden, Director of Corporate Services**

### REVISION HISTORY

*This document has been issued and approved by the following:*

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01	July 2020	Amended by education department to incorporate new digital child protection procedure  Summary of updates from Child Protection Policy 2017: <ul style="list-style-type: none"><li>- Digital safeguarding procedure drafted. Policy amended to include references to safeguarding children onsite, offsite, and online</li><li>- policy updated to include references to current legislation</li><li>- All appendices updated to include current forms and contact details</li><li>- Reporting procedure changed from HSE to TULSA</li><li>- Section 13 'NGI Digital Engagement' added</li></ul>
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## Contents

1. Policy Statement .....	5
1.1 Basis of the Policy .....	5
1.2 Who is the policy for? .....	5
1.3 Aim and purpose of the policy .....	6
1.4 Policy review .....	6
2. Definitions of Abuse .....	6
2.1 Definitions of child abuse .....	6
2.1.1 Definition of 'neglect' .....	6
2.1.2 Definition of 'emotional abuse' .....	7
2.1.3 Definition of 'physical abuse' .....	7
2.1.4 Definition of 'sexual abuse' .....	8
2.2 Signs and Symptoms of Abuse .....	9
3. Designated Liaison Person .....	9
4. Code of Behaviour between Employees and Children .....	9
5. Reporting Procedures .....	10
5.1.1 Recognising child protection or welfare concerns .....	10
5.1.2 What constitutes reasonable grounds for a child protection or welfare concern? .....	11
5.1.3 Dealing with disclosures .....	11
5.2 Procedures for reporting a case of suspected or alleged child abuse .....	11
5.2.1 Reporting Procedure .....	12
5.2.2 Consulting with Duty Social Worker in TUSLA .....	12
5.2.3 Emergencies .....	12
5.3 Informing parents/carers .....	12
5.4 Reporting without delays .....	12
5.4.1 Potential risks to children .....	12
5.5 Consequences of Failure to Report .....	12

5.6 Legal Protection .....	13
5.7 Recording concerns that may not initially need to be reported to the TUSLA .....	13
5.8 Processes to deal with and report retrospective disclosures of child abuse by adults .....	13
5.9 Third Party Concerns .....	14
6. Complaints Procedure for Employees / Parents / Children .....	14
7. Accidents / Incidents Procedure .....	14
8. Confidentiality .....	15
9. Recruitment .....	15
10. Safe Management of Employees .....	16
11. Procedure for Allegations of Abuse Against Employees .....	16
12. NGI Community Engagement & Outreach Work .....	17
13. NGI Digital Engagement .....	17
Appendices .....	17
Appendix 1: A written description outlining the nature and type of our service .....	17
Appendix 2: Reference to key legislation in relation to child protection and welfare .....	18
Appendix 3: Reference to the Protections for Persons Reporting Child Abuse Act, 1998 ...	20
Appendix 4: Best practice principles in relation to child protection and welfare .....	20
Appendix 5: Signs and symptoms of child abuse .....	21
Appendix 6: Copy of the Child Protection and Welfare Report Form .....	22
Appendix 7: Duty Social Work Contacts in Dublin Area.....	27
Appendix 8: Local Garda Telephone Number .....	27
Appendix 9: National Counselling Service Numbers .....	27
Appendix 10: Allegation against staff member; Protective Measures .....	28

# 1. Policy Statement

## 1.1 Basis of the Policy

It is the policy of the National Gallery of Ireland (**NGI**) to safeguard the welfare of children and young people by ensuring they are safe and protected from harm whilst visiting our premises and, to the extent that it is within our control, when engaging in Gallery-run activities offsite and online.

Every year, thousands of young people enjoy the learning opportunities provided by the NGI, whether visiting with family and friends or as part of an organised group, or participating in Gallery activities offsite or online. While the primary responsibility for children's welfare rests with the supervising adult, the NGI intends to ensure young people are protected from harm. This policy also applies to Transition Year Student Groups visiting the NGI.

The welfare of every child who visits or engages with the NGI is paramount. Children have the right to be protected, treated with respect, listened to and have their views taken into consideration. All children should be able to participate in a safe environment protected from harm. This is the responsibility of staff, paid or voluntary, who come into contact with children. The highest possible standards of care will be provided, knowing all reasonable precautions to prevent harm occurring have been taken.

The NGI wishes to give consideration to both the rights of children and the rights of adults while seeking to protect both groups in their association and work with each other.

Any previous convictions or cautions in relation to abuse or violence involving young people will impact on our employment decisions.

## 1.2 Who is the policy for?

The procedures set out in the NGI Child Protection Policy (the **policy**) are derived from, and consistent with, both the guidance set out in *Children First: National Guidance for the Protection and Welfare of Children (2017)*, and the Children First Act (2015), as amended. The policy applies to all permanent, contract, and freelance staff, as well as volunteers. All staff and employees are obliged to be familiar with the policy, and all have access to the full document both on the NGI website and in NGI's Corporate Governance Framework.

All freelance Employees and volunteers must sign a declaration that they have never been convicted of a criminal offence or been the subject of a caution or a bound over order.

Visitors to the NGI also have access to this policy in hard copy at the information desks, office reception, the human resources department, and the education department. A copy is also available on the NGI website.

### 1.3 Aim and purpose of the policy

The policy states that staff and volunteers have a duty to report concerns over the safety and welfare of children. Any suspicions or allegations of abuse will be taken seriously and responded to swiftly and appropriately. It sets guidelines and procedures for staff to follow if they have reasonable grounds for concern about the safety and welfare of children that they come into contact with.

The policy also sets clear guidelines and procedures on action to be taken if allegations of abuse are made against staff or volunteers. The NGI is committed to ensure that all documentation in relation to record-keeping of child protection and welfare concerns is appropriately and securely filed.

### 1.4 Policy review

The policy will be reviewed by the designated liaison person every two years or more frequently, if required.

## 2. Definitions of Abuse

### 2.1 Definitions of child abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse.

#### 2.1.1 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.

### 2.1.2 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.

### 2.1.3 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.

#### 2.1.4 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.

## 2.2 Signs and Symptoms of Abuse

The signs and symptoms of abuse may not always be visible to people working with children at the NGI. For further details on the signs and symptoms of child abuse, please see *Children First: National Guidance for the Protection and Welfare of Children (2017)*, Appendix 5.

## 3. Designated Liaison Person

**3.1** The Designated Liaison Person responsible for dealing with child protection and welfare concerns for the NGI is:

Joanne Drum

Contact: (01) 663 3500 Ext 3505 / [jdrum@ngi.ie](mailto:jdrum@ngi.ie)

The Deputy Designated Liaison Person is:

Christiaan Clotworthy, Head of Operations

Contact: (01) 663 3500 Ext 3563 / [cclotworthy@ngi.ie](mailto:cclotworthy@ngi.ie)

**3.2** The Designated Liaison Person is responsible for ensuring that the standard reporting procedures, as detailed in this policy, are followed.

## 4. Code of Behaviour between Employees and Children

**4.1** NGI staff must act in accordance with the Child Protection Policy, behave respectfully towards children at all times and maintain the standards of behaviour that are expected of them.

**4.2** The NGI is committed to treat all children equally in line with the Equal Status Acts 2000 – 2018. We believe that children should be listened to, valued and respected as individuals and should be involved in decision-making, as appropriate.

**4.3** For the protection of all concerned, staff must never:

- i. Engage in rough, physical games including horseplay with children; Employees should be sensitive to the risks involved in such activities.
- ii. Allow or engage in inappropriate touching of any kind. While physical contact is a valid way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons concerned. Touch should

always be in response to the child's need and should always be appropriate to the age and stage of development of the child.

- iii. Be verbally abusive to a child, nor should they tell jokes of a sexual nature in the presence of children.
- iv. Physically restrain a child or young person unless the restraint is to: Prevent physical injury of the child/other children/visitors or staff/yourself; Prevent damage to valuable property; Prevent or stop a criminal offence. In all circumstances physical restraint must be appropriate and reasonable; otherwise the act of restraint could be defined as assault.
- v. Do things of a personal nature for children that they can do for themselves or that their parent/leader can do for them. Employees should be sensitive to the possibility of developing favouritism, or becoming over involved or spending a great deal of time with any one child.

**4.4** It is recommended, except in emergency situations, that staff do not:

- i. Travel alone with children or young people
- ii. Go into a toilet cubicle with children unless another adult is present or gives permission (this may include a parent, member of staff or group leader)
- iii. Spend time alone with a child on his/her own, including online. If you find yourself in a situation where you are alone with a child, ensure that you can be clearly observed or seen by others.

**4.5** All NGI activities involving children are subject to a maximum adult: child ratio of 1:15. Staff must adhere to this ratio at all times.

**4.6** Should any NGI staff have concerns about a colleague's behaviour with regards to a child, they must follow the procedures laid out in this policy for reporting their concerns.

**4.7** Physical chastisement of children by a parent or accompanying adult will not be tolerated on the NGI premises or at any offsite location. Any such behaviour observed using digital means while participating in NGI activities will also not be tolerated and may also be reported upon using the procedures laid out in this policy for reporting concerns.

## 5. Reporting Procedures

### 5.1.1 Recognising child protection or welfare concerns

Child neglect or abuse can often be difficult to identify and may present in many forms. 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.

### 5.1.2 What constitutes reasonable grounds for a child protection or welfare concern?

- i. 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.
- ii. Consistent indication over a period of time that a child is suffering from emotional or physical neglect.
- iii. Admission or indication by someone of an alleged abuse.
- iv. A specific indication from a child that he or she was abused.
- v. An account from a person who saw the child being abused.
- vi. Evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to have been caused in any other way.

### 5.1.3 Dealing with disclosures

If a child hints at or tells a worker that he or she is being abused, it must be handled very sensitively, and in the following way:

- Stay calm and listen – give the child time to say what she or he wants
- Don't ask leading questions or details, or make suggestions
- Don't stop the child recalling significant events, but don't make him or her repeat the story unnecessarily
- Reassure the child, but don't promise to keep it a secret
- Explain what needs to be done next
- Record the discussion as carefully as possible

## 5.2 Procedures for reporting a case of suspected or alleged child abuse

If you identify a child at risk of harm you must act. Any member of staff who:

- Suspects a child has been or is at risk of being abused, or
- Has had a disclosure made to them, or
- Receives a complaint from a member of the public relating to child protection issues in the NGL, or
- Has a direct allegation made against them must report the matter to the designated Liaison Person/Deputy or the most senior person on site at the time of the incident.

### 5.2.1 Reporting Procedure

The following procedure should be followed:

You should contact the designated liaison person, who should make a referral to the TUSLA - Child and Family Agency (**TUSLA**)'s Social Work Service by using the Standard Report Form (Appendix 6<sup>1</sup>). If you believe the concern is urgent and that there is imminent risk to a child, make the report by telephone and then follow it up with the completed form.

### 5.2.2 Consulting with Duty Social Worker in TUSLA

Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with TUSLA (see TUSLA contacts in Appendix 7).

### 5.2.3 Emergencies

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending TUSLA intervention. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with TUSLA, you should contact the Gardaí. This may be done through any Garda station.

## 5.3 Informing parents/carers

Any professional who suspects child abuse or neglect should inform the parents/carers if a report is to be submitted to TUSLA or to An Garda Síochána, unless doing so is likely to endanger the child.

## 5.4 Reporting without delays

Reports must be made without delay to TUSLA. 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.

### 5.4.1 Potential risks to children

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to TUSLA.

## 5.5 Consequences of Failure to Report

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.

## 5.6 Legal Protection

The 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 or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals and also protects employees from penalisation by their employer for reporting suspected child abuse. 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.

## 5.7 Recording concerns that may not initially need to be reported to the TUSLA

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

However, these suspicions should be recorded or noted internally in the NGI and kept secure and confidential by the designated liaison person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for the statutory child protection agency or An Garda Síochána.

If the designated liaison person, on behalf of the NGI, decides that reasonable grounds for reporting the incident or suspicion to the health board or An Garda Síochána do not exist, the individual worker who referred the matter should be given a clear written statement of the reasons why the NGI is not taking action.

Staff are advised that, if they remain concerned about the situation, they are free to consult with, or report to, the health board or An Garda Síochána themselves. The provisions of the Protections for Persons Reporting Child Abuse Act, 1998 apply once they report "reasonably and in good faith".

## 5.8 Processes to deal with and report retrospective disclosures of child abuse by adults

If a disclosure is made to a staff member by an adult who suffered abuse as a child, 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 staff member should report the allegation to TUSLA without delay.

The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is available free of charge on Freephone: 1800 670 700.

### 5.9 Third Party Concerns

Concerns about a child that are reported anonymously should be followed up fully in accordance with TUSLA standard procedures. If the report has been made through a third party, the person mediating should be requested to facilitate contact between the original person who reported the concern and the Child and Family Agency. If, however, contact is not facilitated, for whatever reason, the concerns reported via the third party must be fully investigated.

## 6. Complaints Procedure for Employees / Parents / Children

If a member of staff, a parent or child has any complaints with how this policy is being implemented or if it is perceived that the Code of Practice has been breached by a member of staff, a complaint can be made, preferably in writing, to one of the NGI's designated liaison persons.

In the case of a complaint by a child, this can be done orally to any member of staff who will then contact the designated liaison person in writing regarding the particulars of the complaint.

The complaint will be handled by the designated liaison person who will consult with HR and/or TUSLA as necessary. The complaint will be dealt with promptly and sensitively and complainants will be kept informed at all stages of the process.

Appropriate training will be provided for all NGI personnel in the correct handling of complaints and in our agreed policies and procedures.

## 7. Accidents / Incidents Procedure

**7.1** The NGI displays emergency numbers in the security control room and at the Cloakroom(s).

**7.2** There are a number of staff throughout the NGI trained in first aid, including attendants and senior attendants and there are a number of fully-stocked first aid boxes positioned around the NGI. These and the procedures for administered first-aid can be found in the Procedure for the Management and Control of First Aid Emergences SMS-PR-20

**7.3** In the event of an accident or incident a Senior Attendant is summoned in the first instance and takes control of the scene and a Safety Incident Report is completed in accordance with the NGI Safety Incident Reporting Procedure SMS-PR-13.

**7.4** The NGI is appropriately insured.

**7.5** Children are not permitted in the NGI unless accompanied by an adult. Parents are not permitted to leave a child unattended at a workshop without leaving a contact phone number. If a child leaves a workshop unannounced, the tutor should alert the security team and call the parent immediately.

**7.6** What to do if you have a concern that a child is missing

A child that has not been seen for two days is considered to be missing. However, staff in the NGI can find that a child on a tour or participating in a workshop has temporarily gone missing.

- Child missing from a tour: Ensure the rest of the group are under adult supervision (this should always be the case according to the tour rules) and alert the security team.
- Child missing from a workshop: Parents are not permitted to leave a child unattended at a workshop without leaving a contact phone number. If a child leaves a workshop unannounced, the tutor should alert the security team and call the parent immediately.

## 8. Confidentiality

**8.1** The NGI understands that the effective protection of a child depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant information. Therefore, where child protection and welfare concerns arise, all information must be shared on a 'need to know' basis in the best interest of the child.

**8.2** No staff member can give any undertakings regarding secrecy and this should be made clear to all involved, although they can be assured that all information will be handled taking full account of legal requirements. Sharing information with statutory agencies for the protection of a child does not constitute a breach of confidentiality or data protection.

**8.3** The NGI recognises that parents and children have a right to know if personal information is being shared, unless doing so could put the child involved at further risk.

**8.4** The NGI is committed to attending and sharing information, as required, at formal child protection and welfare meetings as organised by TUSLA.

## 9. Recruitment

The NGI adopt the Public Appointments Service principles of fairness, transparency and parity when recruiting all candidates, employees, volunteers and freelancers ('persons').

In all cases, each 'person' will present the NGI with proof of identity (copy of passport). The 'person' must complete and sign a contract of employment (or related services agreement) along with relevant commencement forms, Each person must also confirm their compliance with this policy.

All staff will participate in recognised and appropriate Child Protection Training where necessary.

All contractors who provide services to the NGI are required to ensure that all persons engaged to work on site must be compliant with the NGI Management of contractors and service providers' procedure (SMS PR)

## 10. Safe Management of Employees

The NGI ensures there is sufficient supervision and support available for all.

## 11. Procedure for Allegations of Abuse Against Employees

In the event of allegations being made against an employee, or if a staff member suspects another member of staff of inappropriate behaviour towards or abuse of a child, the protection of the child/young person is the first and paramount consideration. The first priority is to ensure that no child is exposed to unnecessary risk. The NGI should as a matter of urgency take any necessary protective measures (Appendix 11). The measures should be proportionate to the level of risk and should not unreasonably penalise the staff member, financially or otherwise, unless necessary to protect children. Where protective measures penalise the staff member, it is important that early consideration be given to the case.

Where there is a complaint of abuse against a member of staff, procedures will take on two strands.

The reporting of the child abuse will be the same as Section 5 above (staff member → Designated Liaison Person → TUSLA). However, there will also be an investigation into the alleged abuse.

There may be three investigations:

- an internal investigation
- an investigation by TUSLA
- where appropriate, a criminal investigation by the Gardaí.

All investigations will be carried out in accordance with the NGI Investigation Policy.



If from the initial investigation a disciplinary is deemed appropriate, all investigations will be carried out in accordance with the NGI Disciplinary procedures.

Malicious Claims: If it is found that a malicious claim has been made by a member of the public, the case will be referred to the necessary authorities. If it is found that a malicious claim has been made by a staff member, the disciplinary process will be invoked and any necessary action will be taken as appropriate.

All records relating to allegations against staff will be kept secure by the NGI HR Department.

## 12. NGI Community Engagement & Outreach Work

In situations where NGI staff are interacting with children offsite, there should always be a discussion and exchange of child protection and welfare policies between the NGI and the host venue.

When working offsite, NGI staff should always adhere to the same code of behaviour and reporting procedures and policies as set out in this policy.

## 13. NGI Digital Engagement

In situations where NGI staff are interacting with children online or digitally, the principle that the online space is an extension of the physical space should apply. All activities should be fully risk-assessed to ensure adherence to the child protection policy and other relevant policies including data protection policies.

When working digitally, staff should always adhere to the same code of behaviour and reporting procedures and policies as set out in this policy.

## Appendices

### Appendix 1: A written description outlining the nature and type of our service

NGI is a national cultural institution devoted to the collection and care of fine art dating from c1300-c1950. Funded by the State, the NGI provides free access to its public 361 days a year. The NGI focuses on a visitor-centred approach that views the provision and display of a world-class collection together with excellence of service and operation as the goal of the institution. As the treasure house of an irreplaceable national and international cultural resource, the NGI is in a prime position to care for, interpret, develop and showcase art in a way that makes the NGI an exciting place to visit.

## Appendix 2: Reference to key legislation in relation to child protection and welfare

Practitioners should always check relevant legislation, case law, regulations and standards, and consider the legal context of the case at <http://www.irishstatutebook.ie>

### **CHILD CARE ACT 1991**

This Act provides the statutory basis for TUSLA's responsibilities to promote the welfare of children who are not receiving adequate care and protection.

### **PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998**

See Appendix 3.

### **CHILDREN ACT 2001**

The Children Act 2001 provides a framework for the juvenile justice system and also provides protection for children against persons who have the custody, charge or care of them.

### **CRIMINAL JUSTICE ACT 2006**

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or

Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

### **CHILD CARE (AMENDMENT) ACT 2011**

The Child Care Amendment Act 2011 gives the High Court statutory authority to deal with applications to detain children in Special Care. It sets out a comprehensive framework for those applications, as well as detailing the interaction of Special Care Orders with Criminal Courts dealing with children's cases. In particular, it sets out that the HSE is not prevented from applying for a Special Care Order where a child is charged with a criminal offence.

### **CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT, 2012**

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails

without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. The provisions of this Act are in addition to any reporting requirements under the Children First Act 2015.

### **NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACTS (2012-2016)**

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions.

### **CHILDREN FIRST ACT 2015**

The purpose of the Children First Act is to make “further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, of child safeguarding statements; to require certain persons to make reports to [TUSLA] in respect of certain circumstances”.

The Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

Through the provisions of the Act, it is intended to:

Raise awareness of child abuse and neglect

Provide for mandatory reporting by key professionals

Improve child safeguarding arrangements in organisations providing services to children

Provide for cooperation and information-sharing between agencies when TUSLA is undertaking child protection.

The legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.

### **CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017**

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child.

### **DATA PROTECTION ACTS 1988-2018**

The Acts provide that the digital age of consent is 16.

## Appendix 3: Reference to the Protections for Persons Reporting Child Abuse Act, 1998

The main provisions of this Act are:

- The provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith'.
- The provision of significant protections for employees who report child abuse.
- The creation of a new offence of false reporting of child abuse when a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence designed to protect innocent people from malicious reports.

Persons reporting abuse in good faith and in the child's best interests may also be protected under common law, using 'qualified privilege'.

## Appendix 4: Best practice principles in relation to child protection and welfare

Principles, Aims and Use of *'Children First: National Guidance'*<sup>2</sup>

### **Key principles of best practice in child protection and welfare**

The key principles that should inform best practice in child protection and welfare are:

- i. The welfare of children is of paramount importance.
- ii. Early intervention and support should be available to promote the welfare of children and families, particularly where they are vulnerable or at risk of not receiving adequate care or protection. Family support should form the basis of early intervention and preventative interventions.
- iii. A proper balance must be struck between protecting children and respecting the rights and needs of parents/carers and families. Where there is conflict, the child's welfare must come first.
- iv. Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives. Where there are concerns about a child's welfare, there should be opportunities provided for their views to be heard independently of their parents/carers.


- v. Parents/carers have a right to respect and should be consulted and involved in matters that concern their family.
- vi. Factors such as the child's family circumstances, gender, age, stage of development, religion, culture and race should be considered when taking protective action. Intervention should not deal with the child in isolation; the child's circumstances must be understood within a family context.
- vii. The criminal dimension of any action must not be ignored.
- viii. Children should only be separated from parents/carers when alternative means of protecting them have been exhausted. Re-union should be considered in the context of planning for the child's future.
- ix. The prevention, detection and treatment of child abuse or neglect requires a coordinated multidisciplinary approach, effective management, clarity of responsibility and training of personnel in organisations working with children.
- x. Professionals and agencies working with adults who for a range of reasons may have serious difficulties meeting their children's basic needs for safety and security should always consider the impact of their adult client/patient's behaviour on a child and act in the child's best interests.

## Appendix 5: Signs and symptoms of child abuse

For further details on the signs and symptoms of child abuse, please see *Children First: National Guidance for the Protection and Welfare of Children* (2017), Appendix 1:

[https://www.tusla.ie/uploads/content/Children\\_First\\_National\\_Guidance\\_2017.pdf](https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf)

## Appendix 6: Copy of the Child Protection and Welfare Report Form



An Ghnóimhíochtán  
Léirithe ag an Toghchán  
Child and Family Agency

### Child Protection and Welfare Report Form

**MANDATED PERSONS AND NON MANDATED PERSONS**  
(Children First Act 2015 & Children First National Guidance)

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Use block letters when filling out this form.  
Fields marked with an \* are mandatory.

**1. Tusla Area (this is where the child resides)\***

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**2. Date of Report\***

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**3. Details of Child**

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address*	Date of Birth*		
	Estimated Age*		
	School Name		
	School Address		
Eircode			

**4. Details of Concerns\***

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see 'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns' for additional assistance on the steps to consider in making a report to Tusla

**5. Type of Concern**

Child Welfare Concern	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Emotional Abuse	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>		

**6. Details of Reporter**

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address	Organisation		
	Position Held		
	Mobile No.		
	Telephone No.		
Eircode		Email Address	



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Child and Family Support

## Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS  
(Children First Act 2015 & Children First National Guidance)

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type				

### 7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

### 8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

### 9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
		Eircode	

Is the Mother a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
		Eircode	



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Child and Family Support

## Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS  
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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### 10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

### 11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	



## Child Protection and Welfare Report Form

**MANDATED PERSONS AND NON MANDATED PERSONS**  
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.  
Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, [www.tusla.ie](http://www.tusla.ie). As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by			
First Name		Surname	Date
Mandated Report Acknowledgement by			



As a Glendale Independent  
Learning agency we support  
Child and Family Support

## Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS  
(Children First Act 2015 & Children First National Guidance)

First Name		Surname		Date Sent	
Authorised Person Signature*					
Date*					
Child Previously Known		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated Case No					

## Appendix 7: Duty Social Work Contacts in Dublin Area

Child and Family Agency  
Bridge House,  
Cherry Orchard Hospital  
Dublin 10  
01 7955749

A full list of TULSA social worker contacts can be found here: <https://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker/dublin/>

## Appendix 8: Local Garda Telephone Number

Garda Station  
Pearse Street Dublin 2 Co. Dublin  
Tel: +353 1 666 9000  
E-mail: N/A  
W: <http://www.garda.ie>  
Opening Hours: 24 hours

## Appendix 9: National Counselling Service Numbers

The HSE National Counselling Service welcomes calls from adults who have experienced abuse in childhood. Contact details are as follows:

HSE Area	Freephone Number
HSE Dublin North East (North Dublin & Meath)	1800 234 110
HSE Dublin North East (Navan, Cavan, Louth & Monaghan)	1800 234 117
HSE Dublin Mid-Leinster (South Dublin, East Wicklow)	1800 234 111
HSE Dublin Mid-Leinster (West Dublin, West Wicklow & Kildare)	1800 234 112
HSE Dublin Mid-Leinster (Laois, Offaly, Longford & Westmeath)	1800 234 113
HSE West (Galway, Mayo & Roscommon)	1800 234 114
HSE West (Limerick, Clare & North Tipperary)	1800 234 115

HSE West (Donegal, Leitrim, Sligo)	1800 234 119
HSE South (Waterford, Wexford, Kilkenny, Carlow and South Tipperary)	1800 234 118
HSE South (Cork & Kerry)	1800 234 116

## Appendix 10: Allegation against staff member; Protective Measures

Pending the outcome of the investigation, the NGI will take whatever protective measures necessary to ensure that children are not exposed to unacceptable risk. These protective measures are not disciplinary measures, and may include:

- Providing an appropriate level of supervision;
- Re-assigning duties where the accused will not have contact with children/ young people;
- Putting the staff member off duty with pay.

Putting the staff member off duty pending the outcome of the investigation should be reserved for exceptional circumstances. It should be explained to the staff member concerned that the decision to put him/her off duty is a precautionary measure and not a disciplinary sanction.

The views of the staff member concerned will be taken into consideration when determining the appropriate protective measures to take. However, the final decision will rest with the Director of the NGI.

Approved by Education & Public Engagement Committee on 23 November 2020.