

The Glucksman, University College Cork.

## Child Safeguarding Statement

Reviewed 14.4.18

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The Glucksman is committed to creating an environment, in which children are valued, encouraged and affirmed, have their rights respected and are treated as individuals. This policy adheres to the recommendations of the Arts Council of Ireland and Tusla, Child and Family Agency in accordance with the *Children First Act 2015*.

The Glucksman recognises that implementation is an on-going process. The Glucksman is committed to the implementation of this Child Safeguarding Statement, which supports our intention to keep children safe from harm while availing of our services. This policy will be reviewed on **14.4.2020** or as soon as practicable after there has been a material change in any matter to which the statement refers.

## Definitions

- “Assault” in relation to a child, means when someone deliberately hurts a child physically or puts him/her at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. Please refer to Appendix 1 of this Child Safeguarding Statement (“CSS”) where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.
- “Child” means a person under the age of 18 years of age other than a person who is or has been married.
- “Harm” means in relation to a child-assault, ill-treatment or neglect of the child, in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.
- “Ill-treatment” means in relation to a child, to abandon or cruelly treat the child, or causing or procuring or allowing the child to be abandoned or cruelly treated. Please refer to Appendix 1 of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.
- “Mandated Person” (“MP”) means a person, employed by the Glucksman, who is specified in Schedule 2 of the 2015 Act, the full list of MPs specified in Schedule 2 of the 2015 Act.
- “Mandated Report” means a report made by a mandated person in accordance with Sections 14(1) & 14(2) of the 2015 Act.
- “Neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care. Please refer to Appendix 1 of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.
- “Non-Mandated Persons” (“NMPs”) means, for the purpose of this CSS, any person employed by the Glucksman other than an MP.
- “Non-Mandated Report” means any report made to Tusla in accordance with this CSS and/or the National Guidance, other than a mandated report.
- “Physical Abuse” in this CSS, physical abuse has the same meaning as assault. Please refer to Appendix 1 of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.
- “Relevant Person” (“RP”) means the person appointed by the Glucksman as the relevant person in accordance with Section 8 of the 2015 Act and who will be the first point of contact in respect of this CSS.

- “Sexual Abuse” means in relation to a child, the offences specified in Schedule 3 of the 2015 Act, which schedule is attached in Appendix 3 of this CSS. Please refer to Appendix 1 of this CSS where an extract from Chapter 2 of the 2017 Guidance is reproduced. This outlines types of child abuse and how they may be recognised.
- The “2015 Act” refers to the Children First Act 2015, as amended.
- The “2017 Guidance” refers to “Children First: National Guidance for the Protection and Welfare of Children”, issued by the Department of Children and Youth Affairs in 2017.
- “Welfare” in relation to a child, includes the moral, intellectual, physical, emotional and social welfare of the child.

For the purpose of this CSS, it also includes any volunteer, intern or student engaged in the Glucksman’s arranged activity.

## The Glucksman, University College Cork

**Organisation** – The Glucksman, University College Cork

**Number of Staff** – 6 full-time, 4 part-time, 5 casual (per season)

**Service provided** – The Glucksman is a cultural and educational institution that promotes the research, creation and exploration of the visual arts. Located on the main campus of University College Cork, the Glucksman is an award-winning building that includes display spaces, lecture facilities, a riverside restaurant and gallery shop.

The Glucksman presents three artistic seasons each year. Each season presents new exhibitions, events and education programmes to engage visitors of diverse interests and experience. The Glucksman's artistic mission is to explore all aspects of visual culture and present a range of innovative and intellectually stimulating displays. The exhibitions concentrate on contemporary art as it relates to the ideas and research of UCC scholars.

The Glucksman provides an extensive education programme for anyone interested in learning more about the visual arts, whether you are a first-time gallery goer or art expert. Artists' talks, seminars, curatorial tours, screenings, live music, art workshops and family events regularly take place in the museum.

The learning programmes at the Glucksman link the educational mission of the University to the cultural life of the region and have three core objectives:

Firstly, in conjunction with the gallery's artistic programme, to foster scholarship in a new environment placing particular emphasis on the unique role of visual media in communicating knowledge.

Secondly, to enable students, University staff and community groups to access different aspects of visual art.

Thirdly, to foster an understanding of visual culture among the wider public through a programme of exhibition-related events, workshops, courses, seminars and discussions.

**Location of services** – The Glucksman enhances the cultural, social and intellectual life of the university community and the wider region through the exhibition and interpretation of visual art. It provides creative educational programmes for schools, families, senior citizens and community groups, as well as innovative research initiatives for scholars and experts. The Glucksman welcomes children to the museum to partake in tours, workshops, courses and summercamps. These activities are designed for different age groups, abilities and interests. The Glucksman runs three seasons of exhibition and education programmes each year. Each season welcomes visitors to partake in art workshops, tours or short courses. These sessions take place within the museum, primarily in the designated workshop space of the River Room. The Glucksman occasionally runs off-site workshops and projects in schools, at festivals or in community centres. Glucksman workshops are run with groups of children (minimum 5 – maximum 35) aged 5 – 17 years. These sessions are led by one to two trained facilitators.

**Level of contact** – Glucksman workshops and courses follow a number of different structures from drop in art making sessions (all ages), 1 hour family sessions, 1.5 hour school workshops, 4

week courses and 5 day summer camps. The level of contact with families and children can vary significantly from one structure to the next. The Glucksman never runs one to one sessions with children.

**Service users** – Glucksman programmes for children are suitable for families of all ages and for young people aged 5 - 17 years. Children participating in Glucksman programmes have varied levels of ability - the museum works with children with intellectual and physical disabilities. It actively seeks out engagements with children from socially disadvantaged backgrounds, young asylum seekers, refugees and migrants. The museum seeks to offer creative opportunities to all young people in a relaxed and positive setting.

### **Aims and Objectives**

At the Glucksman the welfare of children is of paramount importance and this policy takes into consideration the responsibility to safeguard children by –

- Promoting the general welfare, health, development and safety of children;
- Complying with statutory obligations under the 2015 Act;
- Complying with non-statutory best practice outlined in the 2017 Guidance;
- Adopting and consistently applying a safe and clearly defined method of recruiting and selecting staff and volunteers;
- Developing guidance and procedures for staff and volunteers who may have reasonable grounds for concern about the safety and welfare of children involved with the Glucksman
- Undertaking an assessment of any potential for harm to children while they are visiting the Glucksman.
- Identifying a relevant person to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection and welfare concerns;
- Ensuring that the Glucksman has clear written procedures on the action to be taken if allegations of abuse against employees/volunteers are received;
- Raising awareness within the Glucksman about potential risks to children's safety and welfare;
- Developing effective procedures for responding to accidents and complaints;
- Ensuring that clear procedures in relation to record-keeping of child protection and welfare concerns are in place and are operating effectively, taking appropriate account of the need to ensure that such records are kept securely;
- Advising Glucksman staff on their responsibilities in relation to child protection and compliance with statutory and non-statutory obligations; and ensuring information relating to child protection concerns is only shared on a "need to know" basis in accordance with the requirements of the 2015 Act and the 2017 Guidance;
- Preparing and displaying this CSS in accordance with the requirements of Section 11 of the 2015 Act;
- Providing a copy of this policy to all Glucksman staff and, where requested to parents, members of the public and to Tusla;
- Training Glucksman staff to make informed decisions and appropriate responses to child protection concerns.

### **Roles and Responsibilities**

This CSS is intended to ensure the Glucksman's compliance with the 2015 Act and the 2017 Guidance and to assist Glucksman staff, in dealing appropriately with child protection concerns.

### **Responsibility for the implementation of this CSS**

The ultimate responsibility for the implementation of this policy rests with the Glucksman Curatorial team.

### **Responsibility of Glucksman Staff**

This Child Safeguarding Statement applies to all Glucksman staff and it is the duty of each staff member to comply with the policy.

### **Responsibility of the Relevant Person**

The Glucksman has appointed a Relevant Person (Senior Curator – Education + Community) who will:

- Act as a resource to any Glucksman staff member who has a child protection query or concern;
- Act as a liaison with outside agencies such as the Child and Family Agency (“Tusla”) and an Garda Síochána;
- Ensure that mandated and non-mandated reporting procedures are followed, so that cases of child abuse and neglect are referred promptly to TUSLA and/or to An Garda Síochána;
- Record all allegations of child abuse and neglect brought to his/her attention;
- Record all actions taken in relation to allegations of child abuse and neglect;
- Where a concern does not reach the threshold for mandated reporting, but there remains a reasonable concern about the welfare or protection of a child, report this to Tusla;
- Seek informal advice from Tusla where there is any doubt as to whether a matter should be reported to Tusla and/or as to whether a mandated report should be made;
- Record the reasons where a decision is made not to report an allegation;
- Ensure that s/he is knowledgeable about child protection and undertakes any training considered necessary to keep updated on new developments; and
- Uphold the key principle that the welfare of the child is paramount.

A Deputy Relevant Person (Senior Curator – Exhibitions) is appointed to assume the responsibilities of the RP if the RP is unavailable or unable to act for any reason. Any references in this document to the RP should also be read as applying to the Deputy RP, as appropriate.

### **Risk Assessment**

The Glucksman has undertaken a risk assessment in which it has assessed potential harm to children while availing of the services provided by the Glucksman and the list of procedures for managing these risks.

### **Procedures**

This policy has been developed in line with requirements under the 2015 Act and the 2017 Guidance.

## Reporting Procedures

### Reporting procedures for Glucksman staff

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect.

- Daily report forms on each session are to be filled out and returned to the Senior Curator – Education + Community.
- Report any incidents to the designated liaison person (Senior Curator – Education + Community) or if unavailable the deputy designated liaison person (Senior Curator - Exhibitions).
- A worker who knows or suspects that a young person has been or is at risk of being harmed has a duty to convey this concern to the designated person in the Glucksman who will report the information to the health board. The health board will, in turn, notify An Garda Síochána. In an emergency, a report must be made directly to An Garda Síochána.
- When reporting incidents to the health board the (attached) Standard Report Form should be used.
- The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:
  - (i) the safety and well-being of the child must take priority;
  - (ii) reports should be made without delay to the HSE Children and Family Services.
- Encourage children and young people to report any bullying, concerns or worries.
- Ensure clear communication between facilitators/artists and Glucksman Staff
- Any staff member who suspects child abuse or neglect should inform the parents/carers if a report is to be submitted to the HSE Children and Family Services or to An Garda Síochána, unless doing so is likely to endanger the child.
- 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.
- Concerns about a child that are reported anonymously should be followed up fully in accordance with HSE standard procedures.

## **Non-Mandated Reporting**

### **Reasonable concerns below the threshold**

- If an NMP receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, he/she shall, without delay, report this to the RP.
- Where the RP decides that the concern does not reach the threshold for reporting, but there remains a reasonable concern about the welfare or protection of a child, the RP is required to report this to Tusla. If the RP is unsure whether the matter should be reported, s/he shall take advice from Tusla and act on this advice.

### **Concerns from NMPs**

- Where a NMP has a concern in relation to child abuse or neglect, the NMP should report this to the RP. In light of the information received, the RP will decide whether to report the matter to Tusla and/or seek informal advice.

## Confidentiality and Freedom of Information

- All information regarding concern or assessment of child abuse or neglect should be shared on 'a need to know' basis in the interests of the child with the relevant statutory authorities.
- 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.
- Notwithstanding the requirement of all professionals involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except for independent practitioners) and are the property of the organisations that keep them. Under the Freedom of Information Acts 1997 and 2003, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner. At present, these Acts apply to the HSE, but not to An Garda Síochána.
- The Data Protection Acts 1988 and 2003 afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access applies to records held by the HSE and An Garda Síochána. However, the right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making a child welfare report in response to a request under the Data Protection Acts.

### Record Keeping

No undertakings regarding secrecy can be given by any Glucksman staff member to the person reporting an allegation of child abuse, be they an adult or a child. This should be made clear to all parties involved, although reassurances can be given that all information will be handled with sensitivity, taking full account of legal requirements.

All information regarding concerns of child abuse or neglect should be shared on a “need to know” basis only ie with personnel who have a legitimate involvement or role in dealing with the issue. Giving information reasonably and in good faith to those who need to have the information for the protection of a child who may have been or is in danger of being abused (including the DLP, Tusla or An Garda Síochána) is not a breach of confidentiality or data protection laws.

At all stages in the process (disclosure, reporting and dealing with an abuse allegation), confidentiality is of extreme importance. Statements, letters and other communications shall be confidential to those involved as per the procedure outlined in this CSS.

In accordance with section 17 of the 2015 Act, where the RP is assisting Tusla to carry out an assessment, s/he may not share this information with a third party save in accordance with the law, or unless Tusla authorises in writing the disclosure of information, subject to such conditions (if any) as Tusla considers appropriate and specifies in the authorisation. A person who fails to comply with this requirement shall be guilty of a criminal offence.

- Records of concerns, allegations or disclosures of child abuse are stored with daily report forms and incident report forms in the Glucksman Administration Offices in the East Lodge.
- Access to records is restricted to senior Glucksman staff.
- All records are kept in a safe and confidential manner.

### **Garda Vetting and Recruitment**

- Recruitment for educational programmes is a thorough process, no matter who the applicant may be and begins with a wide-ranging call out. An application form with a clear job description along with information on the gallery and the education programme is provided to interested parties. This includes the Education Policy and Child Protection Policy.
- Applicants are also required to complete a declaration form that states there is no reason why they would be unsuitable to work with young people.
- Interviews for positions are undertaken by at least two gallery representatives. Interviews explore the information on the application form and judge the suitability of applicants in relation to a broad range of matters and take all reasonable steps to eliminate people who are not suitable for working with children.
- An applicant is expected to supply the names of two referees (not family members) who will testify as to their character, their suitability to the role of employee/volunteer, or any other issues which may affect their ability to perform the tasks required of them. At least one referee should have first hand knowledge of the applicant’s previous work or contact with children.
- The gallery will ensure that the applicant’s identity is confirmed against appropriate documentation i.e. current passport, Irish Public Services Card issued by Dept. of Social Protection, Irish drivers license. This is compared to the original application.
- Garda vetting is an essential part of the Glucksman recruitment process for certain posts and education programmes, particularly in areas which require staff and students to undertake activities that will bring them into unsupervised contact with children or vulnerable adults and in which they will assume positions of trust.
- All facilitators must have up to date Garda Vetting certification provided through Human Resources, University College Cork. The Glucksman will facilitate this Garda Vetting process.
- Should matters arise in the Garda check form, applicants will not be permitted to lead on

- educational activities until a time that the application or appeal has been approved.
- Induction training will be provided for successful applicants and training will take place on an ongoing basis consistent with changes to policies and gallery procedures. Applicants will only be taken on after the successful completion of a trial period.
  - Successful applicants will sign a contract stating that they will adhere to the Child Protection and Welfare Policy.

### **Safe Management**

The Glucksman has a number of safe management practices in place to help minimize the opportunities for accidents and harm to happen to children.

- Have a registration system for each child
- Keep a record on each child, including medical details, any special needs and emergency contact telephone numbers.
- Keep records of attendance
- Keep an incident book (accident records should be reviewed regularly and any unusual patterns reported to senior management)
- Keep records of consent forms
- Keep records of any complaints or grievances
- Follow thorough recruitment and selection procedures, as outlined in Garda Vetting and Recruitment section
- Have a work schedule displayed so that everyone knows who is on duty
- Respond to any allegations or complaints made about workers
- Make sure there are always sufficient workers of either gender to supervise activities

The Glucksman will provide induction training for all staff in the area of child protection and welfare. Staff will receive training on an ongoing basis, in particular where any changes occur within policies and procedures. This will be reviewed on an annual basis.

### **Parental Involvement**

- The Glucksman works on a policy of openness with parents that involves consulting them about everything that concerns their children, and encouraging them to get involved with the organisation wherever possible.

### **Guardian Agreement Form**

- All facilitators and Glucksman staff are asked to familiarize themselves with the Guardian Agreement Form prior to leading workshops
- The Guardian Agreement Form is attached at the end of this document

- The Guardians of all prospective child participants are asked to familiarise themselves with the Glucksman's Guardian Guide.

### Sharing Information/involving children

- Taking steps to ensure that children know their rights and responsibilities.
- Accepting that the welfare of the child is the most important consideration of any organisation providing services to children.
- Eliminating as far as possible any threatening, violent or degrading behavior.
- Have a child protection policy in place and display in where it will be seen.

### Complaints Procedures

- Complaints are to be forwarded to the designated member of staff (Senior Curator – Education + Community)
- Complaints should be recorded in the daily report form.
- Complaints will be dealt with in an efficient and discreet manner. Where possible the Glucksman will seek to resolve complaints to the satisfaction of all parties.
- A written account of any complaints will be drawn up by the designated person (Senior Curator – Education + Community) and filed in a safe and confidential manner.
- Where appropriate the Glucksman will work with TUSLA on correct procedures and courses of action.

### Seeking informal advice from Tusla

- Where the RP is concerned about a child but is unsure whether to report the **concern** to Tusla, or whether a report should be submitted to Tusla as a mandated report, the RP shall seek advice from Tusla. In consulting Tusla, the RP shall be explicit that he or she is requesting advice and consultation and that he or she is not making a report. At this informal stage, the RP need not give identifying details.
- If Tusla advise that a report should be made to it, the RP should act on that advice.
- In all cases where the RP has sought the advice of Tusla, the DLP shall retain a record of the consultation which will note the date, the name of the Tusla official and the advice given.

### Where the Relevant Person does not report the matter to Tusla

- If the RP decides not to report a matter to Tusla, the matter should still be recorded or noted internally by the RP.
- If the RP decides not to report a concern to Tusla, the following steps should be taken:
  - The reasons for not reporting should be recorded;

- Any actions taken as a result of the concern should be recorded;
- The RP must provide the employee/volunteer with a clear written explanation of the reason why the RP decided not to report;
- The DLP must inform the employee or volunteer who raised the concern that it is open to him/her to seek informal advice from Tusla and/or to report his/her concern where s/he still considers that such a report is warranted and/or report the matter to An Garda Síochána

### **Accidents/Incidents Procedures**

- Emergency numbers are displayed at a number of locations in the Glucksman.
- Emergency procedures are available to staff at the Glucksman information desk.
- The designated Glucksman Occupational First Aider is available to employees. If the First Aider is unavailable members of the UCC General Service team should be notified.
- All staff are aware of accident/incident procedures.
- First Aid boxes are located throughout the Glucksman.
- An accident/incident book is located at the Glucksman Information Desk.

### **Procedures for dealing with allegations against employees/volunteers**

If an allegation is made against a worker at the Glucksman, all efforts will be made to ensure everyone involved gets a proper response. This involves making sure that two separate procedures are followed:

- (i) the reporting procedure in respect of the child;
- (ii) the procedure for dealing with the worker

- Two staff members will be assigned to the two parties
- The guiding principles will be the safety of the child and there will be no delay in reporting to the relevant authorities
- When the employer becomes aware of an allegation of abuse of a child or children by an employee during the execution of that employee's duties, the employer should privately inform the employee of the following:
  - (i) the fact that an allegation has been made against him or her;
  - (ii) the nature of the allegation.
- The employee should be afforded an opportunity to respond. The employer should note the response and pass on this information if making a formal report to the HSE Children and Family Services
- All stages of the process will be recorded.
- The relevant authorities will be notified where there are reasonable grounds for concern
- Guardians/parents will be informed of any planned actions.
- The Glucksman will liaise closely with any investigating bodies
- Protective action will be proportionate to the level of risk to the child.

### **Disclosure of suspected child abuse by a child to a Glucksman staff member**

If a complaint of abuse is disclosed directly from a child to a Glucksman staff member, the child is likely to be under severe emotional stress and the Glucksman staff member may be the only adult whom the child is prepared to trust. Great care should be taken not to damage trust and deal with disclosures sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

- React calmly
- Listen carefully and attentively
- Take the child seriously
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret
- Ask questions for clarification only
- Do not ask leading questions
- Check back with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser
- Ensure that the child understands the procedures that will follow
- Make a written record of the conversation as soon as possible, in as much detail as possible, using the actual words that the child used
- Treat the information confidentially, subject to the requirements of this CSS, legislation and the 2017 Guidance.

If child abuse is suspected, or an allegation is made, the University member should: insofar as is appropriate gather information;

- Record the conversation (in the words of the child) and their observations accurately. The observations should include dates, times, names, locations, context and any other information that may be relevant;
- Inform the RP as soon as possible; and
- The Glucksman staff member should not interview the child or the child's parents/carer about the alleged abuse, as this is the function of Tusla and/or An Garda Síochána. The role of the Glucksman staff member is not to investigate.

### **Internal Oversight**

The RP shall inform the Glucksman Director and the appropriate Glucksman Officer of mandated and non-mandated reports made by a Glucksman staff member. The appropriate Glucksman Officer will be sensitive to the fact that information should only be shared on a need to know basis with those with a right or a need to know.

### **Protection from Civil Liability**

Where the RP or any other person reports suspicions of child abuse and neglect "reasonably and in good faith" to designated officers of Tusla or any members of An Garda Síochána, the Protection of Persons Reporting Child Abuse Act 1998 ( the "1998 Act") protects them from civil liability for doing so. This means that if a person makes a report of suspected child abuse to Tusla or to An Garda Síochána even if it proves unfounded, any person taking an action would only be successful if they could prove the person had not acted reasonably and in good faith in making the report. That 1998 Act also makes it an offence to make a report of child abuse to the appropriate authorities "knowing the statement to be untrue". This is designed to protect innocent persons from malicious reports.

### **Research Activities involving children – Best Practice**

Research activities undertaken at the Glucksman will adhere to the best practice guidelines set out by University College Cork.

Guidance on undertaking research with children is provided in the published Department of Children and Youth Affairs *National Strategy for Research and Data on Children's Lives 2011-2016*, *Ethical Review and Children's Research in Ireland* (2010) and in the associated guidance document *Guidance for developing ethical research projects involving children* (2012).

Research involving children must comply with the above documents (as updated, replaced and/or amended from time to time) and be approved in advance by the University's research ethics process prior to the commencement of the work. General information on research ethics applications can be obtained from the University Research Ethics Committee website at <http://www.ucc.ie/research/rio/ethics.html>.

In situations where research involves children who are or have been in state care, such children and their care proceedings are governed by "in camera" rules and principles of confidentiality, as set out in section 29 and section 31 of the Child Care Act 1991 (as amended). Legal advice should always be sought in advance of undertaking such research.

The designated members of staff dealing with child protection are

- **Relevant Person**  
Tadhg Crowley, Senior Curator – Education + Community  
The Glucksman, University College Cork.  
[t.crowley@ucc.ie](mailto:t.crowley@ucc.ie)  
021-4901846
- **Relevant Person (Deputy)**  
Chris Clarke, Senior Curator - Exhibitions  
The Glucksman, University College Cork.  
[c.clarke@ucc.ie](mailto:c.clarke@ucc.ie)  
021-4901822

The relevant person is responsible for ensuring that the standard reporting procedure is followed.

### **Emergency Numbers**

#### **Duty Social Worker**

- Child and Family Agency,  
South Lee Social Work Department,  
St. Finbarrs Hospital,  
Douglas Rd,  
Co Cork  
021-4923001

#### **University College Cork General Services**

- General Services / Security,  
Main Campus,  
University College Cork,  
Cork City

021-4902266 or 021-4903111

**Doctor/ Medical**

- College Road Medical Centre,  
4 Carrigfern,  
College Road,  
Cork City  
021-4544714

**An Garda Síochána**

- Anglesea Street Garda Station,  
Anglesea Street,  
Cork City  
021-4522000

## **Procedures, Practices and Code of Behaviour for Glucksman Staff**

### **Protocol for Workshop Facilitators and Staff**

#### **1. Child-centred Approach**

When engaging with children, all Information Desk Staff, Invigilators and facilitators agree to:

- Treat all children and young people equally
- Listen to and respect young people
- Involve children and young people in decision-making as appropriate
- Provide encouragement and support in an open environment
- Use appropriate language (physical and verbal)
- Wear appropriate dress
- Encourage a positive atmosphere
- Offer constructive criticism when appropriate
- Treat all child and young people as individuals
- Respect a child's or young person's personal space
- Discuss boundaries on behaviour and related sanctions, as appropriate, with children and their primary carers
- Encourage feedback from workshop participants and guardians
- Use age-appropriate teaching aids and materials
- Lead by example
- Make themselves aware of the special needs of workshop participants
- Create an atmosphere of trust

## 2. Good Practice

### a) Registration

- Register all children/young people participating in booked Art Clubs or courses (name, address, phone, emergency contact, special requirements)
- Issue Guardian Agreement Form to be signed by a parent/guardian when booking outlining (1) requirements of children attending Art Clubs, i.e. snacks, clothing, etc. (2) information on facilitation and format of Art Clubs, (3) registration procedures, (4) protocols on incidents of bullying and inappropriate behavior, (5) arrangement of requirements /assistance for children with learning difficulties and/or special needs, (6) permission to take photographs of participants

### b) Good Practice in the Workshops

- Don't let a problem get out of control
- Avoid one on one contact with a child
- Maintain awareness around language and comments made. If you think that something you said may have caused offence or upset, then try to address it in a sensitive manner
- Update policies and procedures once a year

### c) Communication with Guardians

- Keep guardians informed of any issues concerning their children
- Provide feedback form to guardians
- Make external organisations collaborating with the Glucksman on specific projects aware of the Child Protection Policy

## 3. Inappropriate Behaviour

- Avoid spending excessive amounts of time alone with children/young people
- Don't use or allow offensive or sexually suggestive physical and/or verbal language
- Don't single out a particular child/young person for unfair favouritism, criticism, ridicule, or unwelcome focus or attention
- Don't allow/engage in inappropriate touching of any form
- Don't hit or physically chastise children/young people
- Don't socialize inappropriately with children/young people, e.g. outside of structures organisational activities

## 4. Physical Contact

- Seek consent of child/young person in relation to physical contact (except in an emergency or a dangerous situation)
- Avoid horseplay or inappropriate touch
- Check with children/young people about their level of comfort when doing touch exercises

## 5. Health and Safety

- The Glucksman to provide appropriate training for staff
- Be aware of accident and fire evacuation procedures and follow accordingly
- Have a fully stocked medical box at hand
- Be aware of risks of lifting heavy objects
- Have emergency contact details of guardians at hand and contact details for Glucksman staff members and emergency services
- Don't leave children unattended or unsupervised
- Carefully manage any workshop materials
- Provide a safe environment (make sure spills or objects that pose a risk to safety are kept clear)

## **6. Protocol for allegations of bullying / inappropriate behaviour**

- The Glucksman is committed to providing a fun and friendly environment for all participants and therefore takes allegations of bullying seriously
- All facilitators and assistants are instructed to intervene and record any instances of bullying or inappropriate behaviour. These instances are recorded and evaluated by the facilitator and the Senior Curator and Curator of Education
- Any child whose behavior is disruptive or upsetting to other children will be asked to stop and, following the session, their parent / guardian will be informed of their behaviour. If this negative behaviour persists, a guardian will be contacted to collect the child and no refund will be issued.
- Any child engaging in bullying will be taken aside and it will be gently explained that their behaviour is inappropriate and upsetting to the other child(ren) and is not acceptable in the gallery. Their parent/guardian will be informed during collection at the end of the session. If bullying persists, the child will be brought to the information desk where their parent / guardian will be contacted to collect their child. No refund will be issued
- If a child is thought to be a victim of bullying the facilitator or assistant will discreetly talk to them regarding the other child[ren]'s behavior (in the event that this behaviour does constitute bullying, the facilitator will follow procedures above regarding the child engaging in bullying). The child's parent/guardian will be informed during collection, or, if the child wishes, during the session.

All staff members are responsible for ensuring that they adhere to the code of behavior.

This policy will be reviewed 14.4.2020

The Glucksman, University College Cork, Ireland

## **Appendices**

Appendix 1 – The Glucksman

Appendix 2 – Relevant Legislation

Appendix 3 – Key principles of best practice in child protection and welfare

Appendix 4 – Signs and symptoms of child abuse

Appendix 5 – Standard Report Form

Appendix 6 – Declaration Form

Appendix 7 – Risk assessment

## **Appendix 1: The Glucksman**

### **The Glucksman**

The Glucksman is a cultural and educational institution that promotes the research, creation and exploration of the visual arts. Located on the main campus of University College Cork, the Glucksman is an award-winning building that includes display spaces, lecture facilities, a riverside restaurant and gallery shop.

The Glucksman presents three artistic seasons each year. Each season presents new exhibitions, events and education programmes to engage visitors of diverse interests and experience. The Glucksman's artistic mission is to explore all aspects of visual culture and present a range of innovative and intellectually stimulating displays. The exhibitions concentrate on contemporary art as it relates to the ideas and research of UCC scholars.

The Glucksman provides an extensive education programme for anyone interested in learning more about the visual arts, whether you are a first-time gallery goer or art expert. Artists' talks, seminars, curatorial tours, screenings, live music, art workshops and family events regularly take place in the museum.

The learning programmes at the Glucksman link the educational mission of the University to the cultural life of the region and have three core objectives:

Firstly, in conjunction with the gallery's artistic programme, to foster scholarship in a new environment placing particular emphasis on the unique role of visual media in communicating knowledge.

Secondly, to enable students, University staff and community groups to access different aspects of visual art.

Thirdly, to foster an understanding of visual culture among the wider public through a programme of exhibition-related events, workshops, courses, seminars and discussions.

## **Appendix 2: Relevant Legislation**

### **Children Act 2001**

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute. The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

### **Child Care Act 1991**

The purpose of the Child Care Act 1991 is to 'update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk'. The main provisions of the Act are:

- (i) the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
- (ii) the strengthening of the powers of the HSE to provide child care and family support services;
- (iii) the improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger;
- (iv) the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE;
- (v) the introduction of arrangements for the supervision and inspection of pre-school services;
- (vi) the revision of provisions in relation to the registration and inspection of residential centres for children.

### **Criminal Justice Act 2006**

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.

### **Domestic Violence Act 1996**

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

- (i) Safety Order: This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.
- (ii) Barring Order: This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person's circumstances with a view to:

- (i) applying for a Care Order or a Supervision Order under the Child Care Act 1991;
- (ii) providing services or assistance for the dependent person's family; or
- (iii) taking any other action in respect of the dependent person.

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

This Act came into operation on 23 January 1999. The main provisions of the Act are:

- (i) the provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Síochána;
- (ii) the provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
- (iii) the creation of a new offence of false reporting of child abuse, where 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 persons from malicious reports.

A wide range of nursing, medical, paramedical and other staff has been appointed as designated officers for the purposes of this Act (see Appendix 10 of the Children First: National Guidance). Section 6 of the Act is a saving provision, which specifies that the statutory immunity provided under the Act for persons reporting child abuse is additional to

any defences already available under any other enactment or rule of law in force immediately before the passing of the Act.

### **Data Protection Acts 1988 and 2003**

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

### **Education Act 1998**

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

### **Education (Welfare) Act 2000**

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

### **Non-Fatal Offences against the Person Act 1997**

The two relevant provisions of this Act are:

- (i) it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;
- (ii) it describes circumstances in which the use of reasonable force may be justifiable.

### **Freedom of Information Acts 1997 and 2003**

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

- (i) to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it;
- (ii) to enable persons to have corrected any personal information relating to them in the possession of such bodies;
- (iii) to provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and of the operation of the Acts generally;
- (iv) to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

- (i) right of access to this information, subject to certain conditions;
- (ii) the right to correct this information if it is inaccurate.

Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the release of social work or medical records contains information that would be harmful to a person's well-being, the release may be made to a health professional who acts on the person's behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.

The exemptions and exclusions that are relevant to child protection include the following:

- (i) protecting records covered by legal professional privilege;
- (ii) protecting records that would facilitate the commission of a crime;
- (iii) protecting records that would reveal a confidential source of information.

## **MANDATED PERSONS SPECIFIED IN THE 2015 ACT**

Schedule 2 of the 2015 Act specifies the following classes of persons as MPs for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.

14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
  - a) manager of domestic violence shelter;
  - b) manager of homeless provision or emergency accommodation facility;
  - c) manager of asylum seeker accommodation (direct provision) centre;
  - d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
  - e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
  - f) manager of a language school or other recreational school where children reside away from home;
  - g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
  - h) director of any institution where a child is detained by an order of a court;
  - i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
  - j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
  - k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
  - a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
  - b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
17. Foster carer registered with the Agency.
18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

## **SEXUAL OFFENCES SPECIFIED IN THE 2015 ACT**

Schedule 3 of the 2015 Act sets out offences for the purposes of paragraph (a) of the definition of 'sexual abuse' in section 2 as:

1. Rape.
2. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
3. Sexual assault.
4. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
7. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).
8. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).

9. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).
  - 9A. An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).
10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
  - a) section 3 (child trafficking and taking, etc., child for sexual exploitation);
  - b) section 4 (allowing child to be used for child pornography);
  - c) section 4A (organising etc. child prostitution or production of child pornography);
  - d) section 5A (participation of child in pornographic performance).
11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person).
12. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
13. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
14. An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017:
  - a) section 4 (invitation etc. to sexual touching);
  - b) section 5 (sexual activity in the presence of child);
  - c) section 6 (causing child to watch sexual activity);
  - d) section 8 (use of information and communication technology to facilitate sexual exploitation of child).

## **EXEMPTIONS FROM REQUIREMENTS TO REPORT SEXUAL OFFENCES**

### **UNDERAGE CONSENSUAL SEXUAL ACTIVITY**

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the 2015 Act. If the DLP and MP are satisfied that all of the following criteria are met, s/he will not be required to make a report to Tusla:

- The young person(s) concerned are between 15 and 17 years old
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

In effect, this means that if all of the above criteria are met, the RP/MP do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

## SCHEDULE OF RELEVANT SERVICES UNDER THE 2015 ACT

Schedule 1 of the 2015 Act defines Relevant Services as:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
  - a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
  - b) a school or centre of education, both within the meaning of the Education Act 1998,
  - c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,
  - d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
  - e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
  - f) a children detention school within the meaning of section 3 of the Children Act 2001,
  - g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
  - h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
  - a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
  - b) care or supervision of children, or
  - c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life,whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

### **Appendix 3: 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 4: Signs and symptoms of child abuse**

#### **Signs and symptoms of neglect**

Child neglect is the most common category of abuse. A distinction can be made between 'wilful' neglect and 'circumstantial' neglect. 'Wilful' neglect would generally incorporate a direct and deliberate deprivation by a parent/carer of a child's most basic needs, e.g. withdrawal of food, shelter, warmth, clothing, contact with others. 'Circumstantial' neglect more often may be due to stress/inability to cope by parents or carers.

Neglect is closely correlated with low socio-economic factors and corresponding physical deprivations. It is also related to parental incapacity due to learning disability, addictions or psychological disturbance.

The neglect of children is 'usually a passive form of abuse involving omission rather than acts of commission' (Skuse and Bentovim, 1994). It comprises 'both a lack of physical caretaking and

supervision and a failure to fulfil the developmental needs of the child in terms of cognitive stimulation’.

Child neglect should be suspected in cases of:

- abandonment or desertion;
- children persistently being left alone without adequate care and supervision;
- malnourishment, lacking food, inappropriate food or erratic feeding;
- lack of warmth;
- lack of adequate clothing;
- inattention to basic hygiene;
- lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child’s age;
- persistent failure to attend school;
- non-organic failure to thrive, i.e. child not gaining weight due not only to malnutrition but also to emotional deprivation;
- failure to provide adequate care for the child’s medical and developmental problems;
- exploited, overworked.

### **Characteristics of neglect**

Child neglect is the most frequent category of abuse, both in Ireland and internationally. In addition to being the most frequently reported type of abuse; neglect is also recognised as being the most harmful. Not only does neglect generally last throughout a childhood, it also has long-term consequences into adult life. Children are more likely to die from chronic neglect than from one instance of physical abuse. It is well established that severe neglect in infancy has a serious negative impact on brain development.

Neglect is associated with, but not necessarily caused by, poverty. It is strongly correlated with parental substance misuse, domestic violence and parental mental illness and disability.

Neglect may be categorised into different types (adapted from Dubowitz, 1999):

- **Disorganised/chaotic neglect:** This is typically where parenting is inconsistent and is often found in disorganised and crises-prone families. The quality of parenting is inconsistent, with a lack of certainty and routine, often resulting in emergencies regarding accommodation, finances and food. This type of neglect results in attachment disorders, promotes anxiety in children and leads to disruptive and attention-seeking behaviour, with older children proving more difficult to control and discipline. The home may be unsafe from accidental harm, with a high incident of accidents occurring.
- **Depressed or passive neglect:** This type of neglect fits the common stereotype and is often characterised by bleak and bare accommodation, without material comfort, and with poor hygiene and little if any social and psychological stimulation. The household will have few toys and those that are there may be broken, dirty or inappropriate for age. Young children will spend long periods in cots, playpens or pushchairs. There is often a lack of food, inadequate bedding and no clean clothes. There can be a sense of hopelessness, coupled with ambivalence about improving the household situation. In such environments, children frequently are absent from school and have poor homework routines. Children subject to these circumstances are at risk of major developmental delay.
- **Chronic deprivation:** This is most likely to occur where there is the absence of a key attachment figure. It is most often found in large institutions where infants and children

may be physically well cared for, but where there is no opportunity to form an attachment with an individual carer. In these situations, children are dealt with by a range of adults and their needs are seen as part of the demands of a group of children. This form of deprivation will also be associated with poor stimulation and can result in serious developmental delays.

The following points illustrate the consequences of different types of neglect for children:

- inadequate food – failure to develop;
- household hazards – accidents;
- lack of hygiene – health and social problems;
- lack of attention to health – disease;
- inadequate mental health care – suicide or delinquency;
- inadequate emotional care – behaviour and educational;
- inadequate supervision – risk-taking behaviour;
- unstable relationship – attachment problems;
- unstable living conditions – behaviour and anxiety, risk of accidents;
- exposure to domestic violence – behaviour, physical and mental health;
- community violence – anti social behaviour.

### **Signs and symptoms of emotional neglect and abuse**

Emotional neglect and abuse is found typically in a home lacking in emotional warmth. It is not necessarily associated with physical deprivation. The emotional needs of the children are not met; the parent's relationship to the child may be without empathy and devoid of emotional responsiveness.

Emotional neglect and abuse occurs when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs.

Emotional neglect and abuse is not easy to recognise because the effects are not easily observable. Skuse (1989) states that 'emotional abuse refers to the habitual verbal harassment of a child by disparagement, criticism, threat and ridicule, and the inversion of love, whereby verbal and non-verbal means of rejection and withdrawal are substituted'. Emotional neglect and abuse can be identified with reference to the indices listed below. However, it should be noted that no one indicator is conclusive of emotional abuse. In the case of emotional abuse and neglect, it is more likely to impact negatively on a child where there is a cluster of indices, where these are persistent over time and where there is a lack of other protective factors.

- rejection;
- lack of comfort and love;
- lack of attachment;
- lack of proper stimulation (e.g. fun and play);
- lack of continuity of care (e.g. frequent moves, particularly unplanned);
- continuous lack of praise and encouragement;
- serious over-protectiveness;
- inappropriate non-physical punishment (e.g. locking in bedrooms);
- family conflicts and/or violence;
- every child who is abused sexually, physically or neglected is also emotionally abused;
- inappropriate expectations of a child relative to his/her age and stage of development.

Children who are physically and sexually abused and neglected also suffer from emotional abuse.

### **Signs and symptoms of physical abuse**

Unsatisfactory explanations, varying explanations, frequency and clustering for the following events are high indices for concern regarding physical abuse:

- bruises (see below for more detail);
- fractures;
- swollen joints;
- burns/scalds (see below for more detail);
- abrasions/lacerations;
- haemorrhages (retinal, subdural);
- damage to body organs;
- poisonings – repeated (prescribed drugs, alcohol);
- failure to thrive; • coma/unconsciousness;
- death.

There are many different forms of physical abuse, but skin, mouth and bone injuries are the most common.

#### **Bruises**

##### *Accidental*

Accidental bruises are common at places on the body where bone is fairly close to the skin. Bruises can also be found towards the front of the body, as the child usually will fall forwards.

Accidental bruises are common on the chin, nose, forehead, elbow, knees and shins. An accident-prone child can have frequent bruises in these areas. Such bruises will be diffuse, with no definite edges. Any bruising on a child before the age of mobility must be treated with concern.

##### *Non-accidental*

Bruises caused by physical abuse are more likely to occur on soft tissues, e.g. cheek, buttocks, lower back, back, thighs, calves, neck, genitalia and mouth.

Marks from slapping or grabbing may form a distinctive pattern. Slap marks might occur on buttocks/cheeks and the outlining of fingers may be seen on any part of the body. Bruises caused by direct blows with a fist have no definite pattern, but may occur in parts of the body that do not usually receive injuries by accident. A punch over the eye (black eye syndrome) or ear would be of concern. Black eyes cannot be caused by a fall on to a flat surface. Two black eyes require two injuries and must always be suspect. Other distinctive patterns of bruising may be left by the use of straps, belts, sticks and feet. The outline of the object may be left on the child in a bruise on areas such as the back or thighs (areas covered by clothing).

Bruises may be associated with shaking, which can cause serious hidden bleeding and bruising inside the skull. Any bruising around the neck is suspicious since it is very unlikely to be accidentally acquired.. Other injuries may feature – ruptured eardrum/fractured skull. Mouth injury may be a cause of concern, e.g. torn mouth (frenulum) from forced bottle-feeding.

#### **Bone injuries**

Children regularly have accidents that result in fractures. However, children's bones are more flexible than those of adults and the children themselves are lighter, so a fracture, particularly of the skull, usually signifies that considerable force has been applied.

#### *Non-accidental*

A fracture of any sort should be regarded as suspicious in a child under 8 months of age. A fracture of the skull must be regarded as particularly suspicious in a child under 3 years. Either case requires careful investigation as to the circumstances in which the fracture occurred. Swelling in the head or drowsiness may also indicate injury.

#### **Burns**

Children who have accidental burns usually have a hot liquid splashed on them by spilling or have come into contact with a hot object. The history that parents give is usually in keeping with the pattern of injury observed. However, repeated episodes may suggest inadequate care and attention to safety within the house.

#### *Non-accidental*

Children who have received non-accidental burns may exhibit a pattern that is not adequately explained by parents. The child may have been immersed in a hot liquid. The burn may show a definite line, unlike the type seen in accidental splashing. The child may also have been held against a hot object, like a radiator or a ring of a cooker, leaving distinctive marks. Cigarette burns may result in multiple small lesions in places on the skin that would not generally be exposed to danger. There may be other skin conditions that can cause similar patterns and expert paediatric advice should be sought.

#### **Bites**

Children can get bitten either by animals or humans. Animal bites (e.g. dogs) commonly puncture and tear the skin, and usually the history is definite. Small children can also bite other children.

#### *Non-accidental*

It is sometimes hard to differentiate between the bites of adults and children since measurements can be inaccurate. Any suspected adult bite mark must be taken very seriously. Consultant paediatricians may liaise with dental colleagues in order to identify marks correctly.

#### **Poisoning**

Children may commonly take medicines or chemicals that are dangerous and potentially life-threatening. Aspects of care and safety within the home need to be considered with each event.

#### *Non-accidental*

Non-accidental poisoning can occur and may be difficult to identify, but should be suspected in bizarre or recurrent episodes and when more than one child is involved. Drowsiness or hyperventilation may be a symptom.

#### **Shaking violently**

Shaking is a frequent cause of brain damage in very young children.

#### **Fabricated/induced illness**

This occurs where parents, usually the mother (according to current research and case experience), fabricate stories of illness about their child or cause physical signs of illness. This can

occur where the parent secretly administers dangerous drugs or other poisonous substances to the child or by smothering. The symptoms that alert to the possibility of fabricated/induced illness include:

- (i) symptoms that cannot be explained by any medical tests; symptoms never observed by anyone other than the parent/carer; symptoms reported to occur only at home or when a parent/carer visits a child in hospital;
- (ii) high level of demand for investigation of symptoms without any documented physical signs;
- (iii) unexplained problems with medical treatment, such as drips coming out or lines being interfered with; presence of unprescribed medication or poisons in the blood or urine.

### **Signs and symptoms of sexual abuse**

Child sexual abuse often covers a wide spectrum of abusive activities. It rarely involves just a single incident and usually occurs over a number of years. Child sexual abuse most commonly happens within the family.

Cases of sexual abuse principally come to light through:

- (a) disclosure by the child or his or her siblings/friends;
- (b) the suspicions of an adult;
- (c) physical symptoms.

Colburn Faller (1989) provides a description of the wide spectrum of activities by adults which can constitute child sexual abuse. These include:

### **Non-contact sexual abuse**

- 'Offensive sexual remarks', including statements the offender makes to the child regarding the child's sexual attributes, what he or she would like to do to the child and other sexual comments.
- Obscene phone calls.
- Independent 'exposure' involving the offender showing the victim his/her private parts and/or masturbating in front of the victim.
- 'Voyeurism' involving instances when the offender observes the victim in a state of undress or in activities that provide the offender with sexual gratification. These may include activities that others do not regard as even remotely sexually stimulating.

### **Sexual contact**

- Involving any touching of the intimate body parts. The offender may fondle or masturbate the victim, and/or get the victim to fondle and/or masturbate them. Fondling can be either outside or inside clothes. Also includes 'frottage', i.e. where offender gains sexual gratification from rubbing his/her genitals against the victim's body or clothing.

### **Oral-genital sexual abuse**

- Involving the offender licking, kissing, sucking or biting the child's genitals or inducing the child to do the same to them. Interfemoral sexual abuse

- Sometimes referred to as 'dry sex' or 'vulvar intercourse', involving the offender placing his penis between the child's thighs. Penetrative sexual abuse, of which there are four types:
  - 'Digital penetration', involving putting fingers in the vagina or anus, or both. Usually the victim is penetrated by the offender, but sometimes the offender gets the child to penetrate them.
  - 'Penetration with objects', involving penetration of the vagina, anus or occasionally mouth with an object.
  - 'Genital penetration', involving the penis entering the vagina, sometimes partially.
  - 'Anal penetration' involving the penis penetrating the anus.

### **Sexual exploitation**

- Involves situations of sexual victimisation where the person who is responsible for the exploitation may not have direct sexual contact with the child. Two types of this abuse are child pornography and child prostitution.
  - 'Child pornography' includes still photography, videos and movies, and, more recently, computer-generated pornography.
  - 'Child prostitution' for the most part involves children of latency age or in adolescence. However, children as young as 4 and 5 are known to be abused in this way.

The sexual abuses described above may be found in combination with other abuses, such as physical abuse and urination and defecation on the victim. In some cases, physical abuse is an integral part of the sexual abuse; in others, drugs and alcohol may be given to the victim.

It is important to note that physical signs may not be evident in cases of sexual abuse due to the nature of the abuse and/or the fact that the disclosure was made some time after the abuse took place.

Carers and professionals should be alert to the following physical and behavioural signs:

- bleeding from the vagina/anus;
- difficulty/pain in passing urine/faeces;
- an infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease. Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area;
- noticeable and uncharacteristic change of behaviour;
- hints about sexual activity;
- age-inappropriate understanding of sexual behaviour;
- inappropriate seductive behaviour;
- sexually aggressive behaviour with others;
- uncharacteristic sexual play with peers/toys;
- unusual reluctance to join in normal activities that involve undressing, e.g. games/swimming.

Particular behavioural signs and emotional problems suggestive of child abuse in young children (aged 0-10 years) include:

- mood change where the child becomes withdrawn, fearful, acting out;
- lack of concentration, especially in an educational setting;
- bed wetting, soiling;
- pains, tummy aches, headaches with no evident physical cause;
- skin disorders;
- reluctance to go to bed, nightmares, changes in sleep patterns;

- school refusal;
- separation anxiety;
- loss of appetite, overeating, hiding food.

Particular behavioural signs and emotional problems suggestive of child abuse in older children (aged 10+ years) include:

- depression, isolation, anger;
- running away;
- drug, alcohol, solvent abuse;
- self-harm;
- suicide attempts;
- missing school or early school leaving;
- eating disorders.

All signs/indicators need careful assessment relative to the child's circumstances.

Appendix 5: Standard Report Form

# Tusla Standard Report Form

Form number CC01:01:01

(For reporting CP&W concerns)

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

**1. Date of Report**

**2. Details of Child**

Name:	<input type="text"/>	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address:	<input type="text"/>	DOB	<input type="text"/>	Age	<input type="text"/>
		School	<input type="text"/>		
Alias	<input type="text"/>	Correspondence address (if different)	<input type="text"/>		
Telephone	<input type="text"/>	Telephone	<input type="text"/>		

**3. Details of Persons Reporting Concern(s)**

Name:	<input type="text"/>	Telephone No.	<input type="text"/>
Address:	<input type="text"/>	Occupation	<input type="text"/>
		Relationship to client	<input type="text"/>
Reporter wishes to remain anonymous		<input type="checkbox"/>	Reporter discussed with parents/guardians
		<input type="checkbox"/>	<input type="checkbox"/>

**4. Parents Aware of Report**

Are the child's parents/carers aware that this concern is being reported	- Mother	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
	- Father	<input type="checkbox"/>	<input type="checkbox"/>
Comment	<input type="text"/>		

**5. Details of Report**

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known)*

**6. Relationships**

Details of Mother		Details of Father	
Name:		Name:	
Address: (if different to child)		Address: (if different to child)	
Telephone No's:		Telephone No's:	

**7. Household composition**

Name	Relationship	DOB	Additional Information e.g. School/ Occupation/Other:

**8. Name and Address of other personnel or agencies involved with this child**

	Name	Address
Social Worker		
PHN		
GP		
Hospital		
School		
Gardaí		
Pre-School/Crèche/YG		
Other (specify):		

**9. Details of person(s) allegedly causing concern in relation to the child**

Relationship to child:		Age		Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Name:			Occupation				
Address:							

**10. Details of person completing form**

Name:		Occupation:	
Address:		Telephone No's:	
Signed		Date:	

Appendix 6: Declaration Form  
Declaration Form

Confidential

Declaration from all staff and volunteers working with children and young people at the  
GLUCKSMAN (adopted from Our Duty to Care, Northern Ireland)

Surname:

\_\_\_\_\_

Forename:

\_\_\_\_\_

Date of Birth:

\_\_\_\_\_

Place of Birth:

\_\_\_\_\_

Any other name previously known as \_\_\_\_\_

Have you ever been convicted of an criminal offence or been the subject of a Caution or of  
a Bound Over Order?

Yes

No

If yes, please state below the nature and date(s) of the offence(s):

Nature of offence

Date of offence

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed:

\_\_\_\_\_

Date:

\_\_\_\_\_

