



CHILD PROTECTION AND WELFARE: POLICY AND PROCEDURE

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INTRODUCTION AND GUIDING PRINCIPLES

Fostering First Ireland (FFI) is an independent fostering agency and is part of Key Assets, a social enterprise and international provider of children’s services with its head office situated in the UK. FFI is engaged in recruiting, assessing, training and supporting Foster Carers and as such has a particular responsibility to care for children who are placed by Tusla with FFI Foster Carers.

FFI also carries out other related services as required, both to Tusla and to other agencies. This includes kinship assessments and Link Social Work support.

This policy relates to all children for whom FFI has a direct responsibility but equally applies to other children that staff and carers may come into contact with, including those who may be unidentifiable.

The purpose of this policy and all associated procedures and guidance is to ensure, as far as possible, that all children for whom FFI has involvement or contact with are kept safe. FFI recognises that the welfare of the child is paramount.

The commitment of FFI to safeguarding children is underpinned by the child’s fundamental right to protection from physical, emotional and sexual abuse, neglect and exploitation. (*UNCRC 1989 Article 19*)

FFI is committed to working collaboratively with Tusla, An Garda Síochána and any other agencies to ensure that the protection and welfare of children is paramount.

Child Protection and Welfare Policy Statement and Guiding Principles

The Guiding Principles for FFI are as follows:

-  The best interests of the child are the paramount concern
-  FFI honours the child’s fundamental right to protection from exploitation, neglect, physical, emotional and sexual abuse
-  FFI will take seriously and immediately report allegations or suspicions of abuse and neglect concerning children. Detailed procedures about how staff must respond to specific concerns are available (see ‘Associated Procedures’ section) and must be followed when applicable.
-  FFI will work in partnership with Tusla and other agencies to enable children to understand what abuse and neglect is and their right to be protected from harm
-  FFI will remain open-minded in respect of allegations made by children, avoiding making assumptions about children, carers, parents or staff and ensure that matters are dealt with fairly and transparently.
-  FFI will cooperate with Tusla and other agencies in relation to sharing of information as appropriate and as specified by legislation and guidance.
-  FFI will ascertain the wishes and feelings of children in their care or with whom they work, inform them of their rights, help them put forward their views (using advocacy services if appropriate) and keep them fully informed.
-  FFI will positively promote the needs of children and young people and will consider their ethnic origin, cultural background, religion, health, gender, sexual orientation/gender identity and special needs.
-  FFI will pay particular attention to the needs of disabled children who are statistically at an increased risk of abuse and neglect.
-  FFI will provide an effective complaints procedure for children and young people in foster care (**see FFI Complaints Procedure**).
-  Each young person placed with FFI will be provided with a Children’s Guide, which includes information about advocacy and support services.

- FFI will work in partnership with the families of children and young people who have suffered abuse and where appropriate support safe parenting within the family
- FFI will ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored.
- FFI will provide high quality support and supervision to staff and Foster Carers to ensure that any safeguarding issues are identified and acted upon.
- FFI will offer appropriate support services to children who have suffered abuse.
- FFI will use safe recruitment practices to prevent the employment of unsuitable individuals
- FFI will use comprehensive assessment processes to assess the suitability of potential carers. This will include criminal and local area checks, references, and a quality home study, which will include in depth scrutiny and analysis of the carers skills, abilities, emotional stability, and capacity to care for children with complex needs.
- FFI will provide Children First Training and Key Assets Safe Care training for all staff as part of their continuous professional development.
- Foster Carers will also receive Child Protection and Welfare training along with relevant information in the Foster Carer handbook
- FFI will not enter into contractual obligations with relevant services unless satisfied that they are compliant with Children First Guidance.
- FFI will review their Child Protection and Welfare Policies and associated documents and practices every two years as a minimum.

Framework for Excellence in Foster Care

FFI also operates according to the Key Assets 'Framework for Excellence in Foster Care' which has seven standards:

Standard 1: Promoting Children's Safety

Standard 2: Promoting Health and Wellbeing

Standard 3: Promoting Growth and Development

Standard 4: Promoting Belonging and Kinship

Standard 5: Promoting Culture

Standard 6: Promoting Skills for Life

Standard 7: Promoting Participation

The complete Framework for Excellence is embedded below:



Legislation, Regulations and Guidance

This policy has been drawn up in accordance with legislation, regulation and guidance. The major legislation concerned with Child Protection is -

-  The Children First Act 2015 – the primary legislation in Ireland in relation to Child Protection and Welfare
-  Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Person) Act 2012 – legislates for it to be a criminal offence to withhold information relating to the abuse of children and vulnerable people.
-  Criminal Justice Act 2006, Section 176: Reckless Endangerment of Children – outlines the criminal aspect of child abuse and the failure to take reasonable steps to protect children
-  Protected Disclosures Act 2014 – offers protection for ‘whistleblowers’ who act in good faith.
-  Protections for Persons Reporting Child Abuse Act 1998 – gives protection from liability for anyone communicating concerns about a child as long as it is reported ‘reasonably and in good faith’
-  National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016
-  See Appendix for more information regarding the above legislation.

Other relevant legislation:

-  Criminal Law (Sexual Offences) Act 2017
-  Child Care Act 1991
-  Child and Family Agency Act 2013
-  Children Act 2001
-  Data Protection Acts 1988 and 2003
-  Domestic Violence Act 1996
-  Education (Welfare) Act 2000
-  Education Act 1998
-  Freedom of Information Act 2014
-  Non-Fatal Offences against the Person Act 1997
-  Criminal Justice (Female Genital Mutilation) Act 2012

Guidance and Standards:

-  A Guide for the Reporting of Child Protection and Welfare Concerns 2016
-  Child Protection and Welfare Handbook (HSE 2011)
-  Child Safeguarding: A Guide for Policy, Procedure and Practice 2016
-  Children First National Guidance for the Protection and Welfare of Children 2017
-  The National Standards for Foster Care 2003

SCOPE OF THE POLICY

This policy and associated procedures applies to all staff and carers working for FFI. This includes contracted staff, students and volunteers.

Areas of Responsibility

The CEO and Board of FFI

The CEO and Board of FFI have responsibility for -

- Maintaining a culture in which safeguarding and promoting the welfare of all children, is a key priority and allegations against any person working with, or caring for children are managed with fairness and rigour.
- Providing support services, including a Quality Assurance and Service Improvement senior manager with responsibility for safeguarding, to advise and assist companies in carrying out these duties.
- Monitoring events to ensure that actions are taken promptly and effectively in practice.

Directors

The Director has overall responsibility for safeguarding and is responsible for

- Maintaining their own level of skills and knowledge by attending appropriate safeguarding training and keeping up to date with Tusla requirements.
- Ensuring that there is a Designated Liaison Person and Deputy Designated Liaison person appointed for FFI and that everyone in the organisation knows who they are.
- Ensuring that procedures are in place to ensure that all who undertake work on behalf of the company are aware of their responsibilities in this area, recognise signs of abuse, and know what action to take to protect children, including reporting allegations about the behaviour of other professionals towards children.
- Ensuring that the agency provides regular training for all staff and Foster Carers in relation to safeguarding children
- Ensuring all staff have access to and are aware of and familiar with Children First National Guidance 2017
- Delegating tasks as appropriate, to other managers and staff, although the Director remains responsible for monitoring the effective execution of the task.

Designated Liaison Person (DLP)

The DLP, as appointed in accordance with Chapter 4 of the Children First National Guidance for the Protection and Welfare of Children 2017 is responsible for the following –

- Ensuring effective reporting of child protection or child welfare concerns to Tusla.
- Ensuring that appropriate records are kept in relation to the reporting of any concern.
- Ensuring that reasons for NOT reporting a potential concern are detailed and recorded.
- Making themselves available for consultation to staff (both mandated and non-mandated persons) and Foster Carers (where the Link Social Worker is not available) on issues of child welfare and protection concerns.
- The DLP is also responsible for maintaining a list of Mandated Persons under the Children First Act 2015.

In FFI, the Designated Liaison Person (DLP) is Elaine O'Byrne, Tel: Tel: 087 1256512,

Email: elaine.o'byrne@ffi.ie

The Deputy Designated Liaison Person (DDL) is Marie Faughey, Tel: 087 9790135

Email: marie.faughey@ffi.ie

Other managers and staff with responsibility for children

All who have line management responsibility for staff or workers, including Social Workers who supervise the work of Foster Carers or staff who care directly for children or work with families are responsible for:

- Managing referrals and notifications to other regulatory bodies who need to be made aware, e.g., Foster Carer host area, An Garda Síochána, Foster Care Committees.
- Ensuring that the Critical Incident reporting policy and procedure is followed, and that the Key Assets Support Services Hub are notified appropriately of incidents and outcomes.
- Reporting incidents where appropriate to the Key Assets Risk Management System and updating outcomes when concluded. This must include any child protection concern related to possible sexual abuse by a carer or household member.
- Attending and contributing appropriately to Strategy Meetings, Position of Trust Meetings or delegating to other staff members as appropriate
- Knowing the notification and reporting requirements in the event of a child protection concern about somebody they supervise, or a member of their household.
- Ensuring that all who undertake work on behalf of the service are aware of their responsibilities in this area, recognise signs of abuse and neglect, and know what action to take to protect children, including reporting allegations about the behaviour of other professionals towards children.
- Ensuring that all those they supervise know about and comply with the Safer Caring Policies and other policies relevant to their role.
- Discussing with those they supervise, any child protection and welfare concerns raised about the behaviour of others working with children, raising the concern immediately with the Director and ensuring that a decision is made about whether or not the concern should be reported to the responsible authority.
- Ensuring that all discussions of such child protection and welfare concerns are fully recorded, with the decision to report or not, and the reasons for that decision.
- Ensuring that all child protection concerns, in addition to any reporting requirements, are noted on a critical incident form, along with part 2 signed off by the designated manager, and that the outcome of the incident is also noted in the same place. – **see Critical Incident policy and procedure.**
- Informing the Director of all reported child protection and welfare concerns and progress made with investigations

All Employees

All employees are responsible for:

- Ensuring that they are familiar with Children First National Guidance 2017 and the FFI Child Protection Policy, and are aware of their own responsibilities in relation to child protection and welfare concerns, recognise signs of abuse and neglect, and know what action must be

taken to protect children, including reporting allegations about the behaviour of other professionals towards children.

- Complying with the Safer Caring Policies and other policies relevant to their role. Recording and reporting any child protection concerns about the behaviour of others to their line manager immediately.
- Taking such action as they may be directed to take in relation to any concern that a child may be being harmed by any professional or person in a position of trust in relation to that child.
- Responding quickly and recording any events accurately
- Ensuring that they have undertaken the Children First e-learning module and other safeguarding training as appropriate

TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger for example, via the internet. They may be abused by an adult or adults, or another child or children.

The following definitions are taken from Children First National Guidance for the Protection and Welfare of Children 2017:

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term and negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect. Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

-  Children being left alone without adequate care and supervision
-  Malnourishment, lacking food, unsuitable food or erratic feeding
-  Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation.
-  Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
-  Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
-  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
-  Abandonment or desertion

Emotional Abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur 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 abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

-  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
-  Persistent criticism, sarcasm, hostility or blaming of the child
-  Bullying
-  Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
-  Extreme overprotectiveness
-  Inappropriate non-physical punishment (e.g. locking child in bedroom)
-  Ongoing family conflicts and family violence

- 🌐 Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- 🌐 Physical punishment
- 🌐 Beating, slapping, hitting or kicking
- 🌐 Pushing, shaking or throwing
- 🌐 Pinching, biting, choking or hair-pulling
- 🌐 Use of excessive force in handling
- 🌐 Deliberate poisoning
- 🌐 Suffocation
- 🌐 Fabricated/induced illness
- 🌐 Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual Abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of this [*Children First National Guidance for the Protection and Welfare of Children 20*] Guidance.

Child welfare concerns –

The Child Protection and Welfare Practice Handbook (HSE 2011) notes that a child welfare concern is a problem experienced directly by a child or by the family of a child that is seen to impact negatively on the child's welfare or development but may, or may not, require a child protection response. In order to distinguish between child protection cases and cases that require a child welfare response, the rationale used is the impact on the individual child, the individual circumstances of the child and the role and capacity of the parent in the case.

Children First 2017 page 43 notes Tusla Social Workers treat all child protection and welfare concerns seriously and decide if they are appropriate to Tusla's Welfare and Protection services and what

intervention is the most appropriate to meet the needs of the child and family.

REPORTING INCIDENTS OF CHILD PROTECTION OR WELFARE CONCERNS

It is the policy of FFI that all FFI staff and Foster Carers must report child protection and welfare concerns to Tusla in accordance with The Children First Act 2015 and its associated guidance. Children First National Guidance 2017. Under this act, there are certain defined roles, the holders of which are classed as being **Mandated Persons** who have a particular, legal responsibility to report. (See section 'Mandated Persons')

Contact details for Tusla offices can be found at <http://www.tusla.ie/get-in-touch/local-area-offices>

Criteria for Reasonable Grounds for Concern: Children First Guidance 2017

Children First (2016) page 12 noted that Tusla SHOULD always be informed if there are reasonable grounds for concern that that a child may have been, is being, or is at risk of being abused.

Reasonable grounds for concern are defined in A Guide for the Reporting of Child Protection and Welfare Concerns (2017) and the Child Protection and Welfare Practice Handbook (Ch. 2.2) (2011) as:

- 🌐 Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- 🌐 Any concern about possible sexual abuse
- 🌐 Consistent signs that a child is suffering from emotional or physical neglect
- 🌐 A child saying or indicating by other means that he or she has been abused
- 🌐 Admission or indication by an adult or a child of an alleged abuse they committed
- 🌐 An account from a person who saw the child being abused

The Handbook (see Section 2.9) further recommends that a referral to Children and Family Services should always be made in the following circumstances

- 🌐 Any concern about a child at risk of sexual abuse
- 🌐 Physical injury caused by assault or neglect which may or may not require medical attention
- 🌐 Incidents of physical abuse that alone are unlikely to constitute significant harm, but taken into consideration with other factors may do so;
- 🌐 Children who suffer from persistent neglect
- 🌐 Children who live in an environment which is likely to have an adverse impact on their emotional development,
- 🌐 Where parents' own emotional impoverishment affects their ability to meet their child's emotional and/or physical needs, regardless of material/financial circumstances and assistance
- 🌐 Where parents' circumstances are adversely affecting their capacity to meet the child's needs because of domestic violence, drug and/or alcohol misuse, mental health problems, intellectual disability
- 🌐 A child living in a household with, or having significant contact with,
- 🌐 A person at risk of sexual offending or with previous convictions for offences against children
- 🌐 An abandoned child

- 🌐 Children left home alone
- 🌐 Bruising/injury to a pre-mobile baby
- 🌐 Pregnancy where children have been previously removed;
- 🌐 Suspicion of fabricated or induced illness;
- 🌐 Where a child under one year is present in a home where domestic violence is a concern.

Both Mandated and non-Mandated persons have a duty to report ‘reasonable grounds for concern’. Reports should include as much information as possible to help Tusla staff in their assessment of the concern.

Mandated Persons

Under the Children First Act 2015, there are certain defined roles, the holders of which are classed as being **Mandated Persons** who have a particular, legal responsibility to report. Roles that are defined as a ‘Mandated Person’ are listed in Schedule 2 of the Children First Act 2015 and listed in Appendix i. Mandated Persons are people who have contact with children and /or families and who because of their qualifications, training and /or employment role are in a key position to protect children from harm. The list that are of relevance to FFI personnel includes –

Psychologist who practices 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

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.

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.

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;

Teacher registered with the Teaching Council

Foster Carer registered with the Agency.

Under the act any Mandated Person who becomes aware that a child has been harmed, is being harmed or is at risk of being harmed, must report any information to Tusla as soon as is practicable (*Children First Act (14(1))*)

Criteria for reporting child protection or welfare concerns under Children First Act 2015

A Mandated Person is required under The Children First Act 2015 to report **‘any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed.** (*Children First 2017 p. 20*).

‘Harm’ is defined in the Children First Act 2015 (S.2, Definitions) as “...in relation to a child – (a) 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 (b) sexual abuse of the child.

If a Mandated Person is not, clear as to whether a concern reaches the threshold for mandatory reporting then advice must be sought from the DLP and/or from Tusla.

[Chapter 3 of the Children First 2017 Guidance](#) - 'Mandated Persons' contains information to assist in making the decision as to whether a concern meets the threshold for mandatory reporting.

Exemptions from requirements to Report

There are certain exemptions from reporting underage consensual sexual activity. (Children First Act 2015 (14[3])). The following points should be taken into account and **all** of the criteria must be met in order for the reporting requirement to be lifted:

- “– The young person(s) concerned are between 15 and 17 years old.*
- The age difference between them is no 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”*

All persons, including Mandated Persons, must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, you may make a report to Tusla.

Under the Children First Act 2015, there is only a legal obligation to report concerns that arise in the course of your work and not from personal contacts. Nevertheless, there is a requirement within Children First 2017 that all reasonable concerns are reported to Tusla and this applies to all, irrespective of whether it is in the course of their work or outside of it.

Consequences of non-reporting

The Children First Act does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, there are possible consequences of non-reporting a concern if, after an investigation it appears that, a report was not made and that subsequently left a child at risk or harmed. These consequences are laid out in the Children First Guidance 2017 (p.26) and are as follows:

-  Tusla may make a complaint to the 'Fitness to Practice Committee' of a regulatory body of which the person is a member
-  Tusla may pass the information about the failure to report to the National Vetting Bureau of An Garda Síochána. This information could subsequently be disclosed at the time of the next vetting.
-  Employers may consider the failure to report as a disciplinary matter.

Failure to Report a Child Protection or Welfare Concern under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Person) Act 2012.

Under the act, it is an offence to withhold information from An Garda Síochána on certain offences include sexual offences and offences causing harm, abduction manslaughter or murder of children. The failure to report an offence may result in criminal proceedings being taken under the above Act.

A person shall be guilty of an offence if they know that or believe that a Schedule 1 offence has been committed or if they have information that they know or believe might be of assistance in securing the apprehension, prosecution or conviction of a guilty party. Definitions of Schedule 1 offences can be found in Appendix 2 at the end of this policy.

The Criminal Justice Act 2012 provides various defences to the offence. They are to do with the circumstances where the child made the person acquiring the information aware of their wish for the Garda Síochána not to be informed, or when certain persons or certain professionals hold the reasonable view that the Garda Síochána should not be informed. These defences are subject to various factors however and the Act ([Section 4](#)) should be consulted on all of the defences and the exact details thereof.

Any decision NOT to report to An Garda Síochána should be clearly recorded and the reasons under Section 4 of the Criminal Justice Act clearly stated.

The offences are punishable by fine and/or up to fourteen years imprisonment.

PROCEDURES FOR REPORTING CHILD PROTECTION AND WELFARE CONCERNS

Tusla has published [A Guide for the Reporting of Child Protection and Welfare Concerns](#)

This guide outlines 4 steps to take in the decision making process for making a report:

- 🌍 Step 1 – questions you might ask yourself - for example:
 - What am I worried about?
 - What is working well?
 - What needs to happen?
- 🌍 Step 2 – informing the family where appropriate. It is not usually appropriate for FFI to inform the family but guidance on this should be sought from Tusla.
- 🌍 Step 3 – when to report – guidance on criteria. Guidance should be sought from this policy, the DLP and/or Tusla Social Work staff if there is uncertainty about when to report. Tusla should always be informed if there are ‘reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected’.
- 🌍 Step 4 – Submitting the report. The report can be made in person, by telephone or in writing. This should be followed up by the completion of the [Child Protection and Welfare Report Form](#) (CPWRF)

Procedure for Reporting Child Protection and Welfare Concerns if you are an FFI Foster Carer

As a Foster Carer, you are classified as a Mandated Person under the Children First Act 2015. This means that you have a legal obligation to report any Child Protection Concerns to Tusla. The Mandated Role for Foster Carers relates to concerns arising about one’s own foster child or another foster child. There may be times when you may receive, acquire or become aware of the need to

make a Mandated Report in the course of your role as a Foster Carer. This applies both to children placed within FFI and any other child that you have contact with or knowledge of within your role as a Foster Carer.

Immediate and Serious Risk:

- 🌐 If a child is at **immediate or serious risk**, you should report immediately and without delay by telephone to Tusla. If you think a child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí without delay.
- 🌐 Follow the phone call up by contacting your Link Social Worker who will assist you to complete a Child Protection and Welfare Report Form [CPWRF](#) as soon as possible. The CPWRF can be sent via email or post.
- 🌐 Please note that under the Children First Act (2017) that the responsibility for reporting lies with the Mandated Person. However, the Act allows for a Mandated Person to make a report jointly with any other person whether that person is a mandated person or not.
- 🌐 Your Link Social Worker will also send a copy of the CPWRF and a Critical Incident Form 2A to the DLP
- 🌐 If a concern arises out of hours or in an emergency situation and the Tusla Duty Social Worker cannot be reached, contact should be made with An Garda Síochána in any Garda station
- 🌐 While it is good practice to tell a family that a report is being made, it is usually NOT appropriate for FFI staff to inform a child's family. Guidance should be sought from Tusla in relation to informing parents/carers of any reporting of incidents or concern.

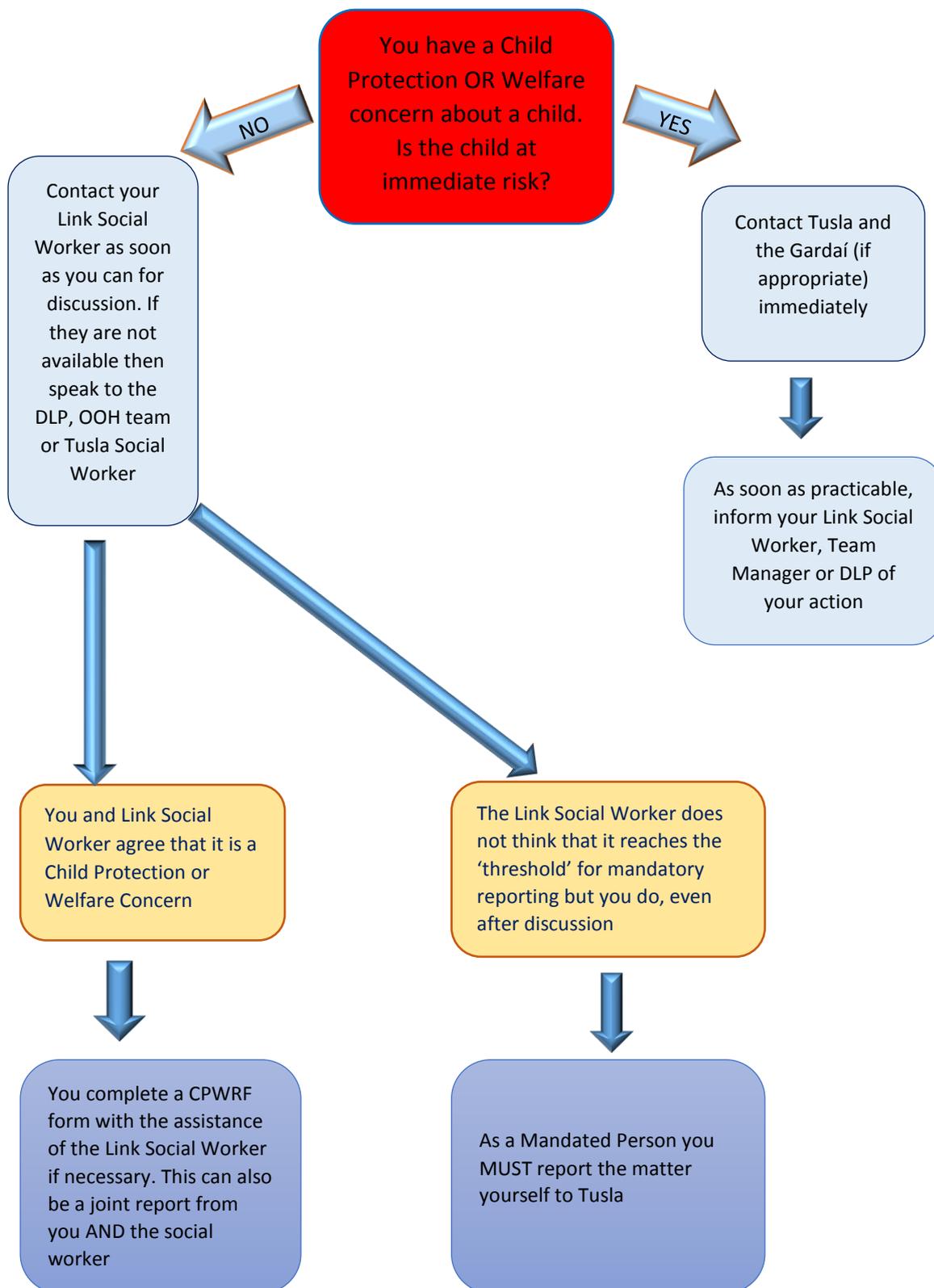
If a Child is not at Immediate Risk:

- 🌐 You should contact your Link Social Worker without delay to discuss your concerns. If you cannot contact the Link Social Worker then the Team Manager or DLP will be able to assist. If it is outside of office hours then you should contact the Out of Hours Duty Social Worker.
- 🌐 The Tusla Duty Social Worker may also be consulted or, the child's Social Worker if you know who this is.
- 🌐 Following this discussion, and if it is decided that the threshold for a mandated report or reasonable grounds for concern exist your Link Social Worker may assist you to complete a Child Protection and Welfare Report Form (CPWRF). This form is available on the Tusla website: [Child Protection and Welfare Report Form](#) and can be sent via email or post.
- 🌐 Your Link Social Worker will send a copy of the CPWRF and a Critical Incident Form 2A to the DLP.
- 🌐 Please note that under the Children First Act (2017) that the responsibility for reporting lies with the Mandated Person. However, the Act allows for a Mandated Person to make a report jointly with any other person whether that person is a mandated person or not.
- 🌐 While it is good practice to tell a family that a report is being made, it is usually NOT appropriate for FFI staff to inform a child's family. Guidance should be sought from Tusla in relation to informing parents/carers of any reporting of incidents or concern.
- 🌐 If you're Link Social Worker or DLP consider that the information does not meet the required threshold for reporting to Tusla but after consideration, you remain of the opinion that it should be reported, you should make the report directly to the Child and Family Agency, using the CPWRF and inform the DLP and your Link Social Worker.
- 🌐 If a child protection or welfare concern arises out of hours, the Out of Hours Social Worker on Duty Team will be available to discuss your concerns further with you and assist you in reaching a decision as to the most appropriate action to take.

Any person who makes a report to Tusla in good faith is protected from any legal repercussions under the Protection for Persons Reporting Child Abuse Act 1998.

A Flowchart for Foster Carers reporting child protection and welfare concerns is overleaf.

Flowchart for Reporting Child Protection and Welfare Concerns if you are an FFI Foster Carer



Procedure for reporting child protection or welfare concerns if you are a member of staff

Children’s First Guidance 2017 has as its first principle “The safety and welfare of children is everyone’s responsibility”. Therefore, this procedure applies to all members of staff.

If a Child is at Immediate and Serious Risk:

- If a child is at **immediate or serious risk**, you should report by telephone to Tusla immediately. If you think a child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí without delay.
- Follow the phone call up by completing a Child Protection and Welfare Report Form [CPWRF](#) as soon as possible. The CPWRF can be completed online or sent via email or post.
- a copy of the report should also be emailed to the DLP
- if a concern arises out of hours or in an emergency situation and the Tusla Duty Social Worker cannot be reached, contact should be made with An Garda Síochána in any Garda station
- While it is good practice to tell a family that a report is being made, it is usually NOT appropriate for FFI staff to inform a child’s family. Guidance should be sought from Tusla in relation to informing parents/carers of any reporting of incidents or concern.

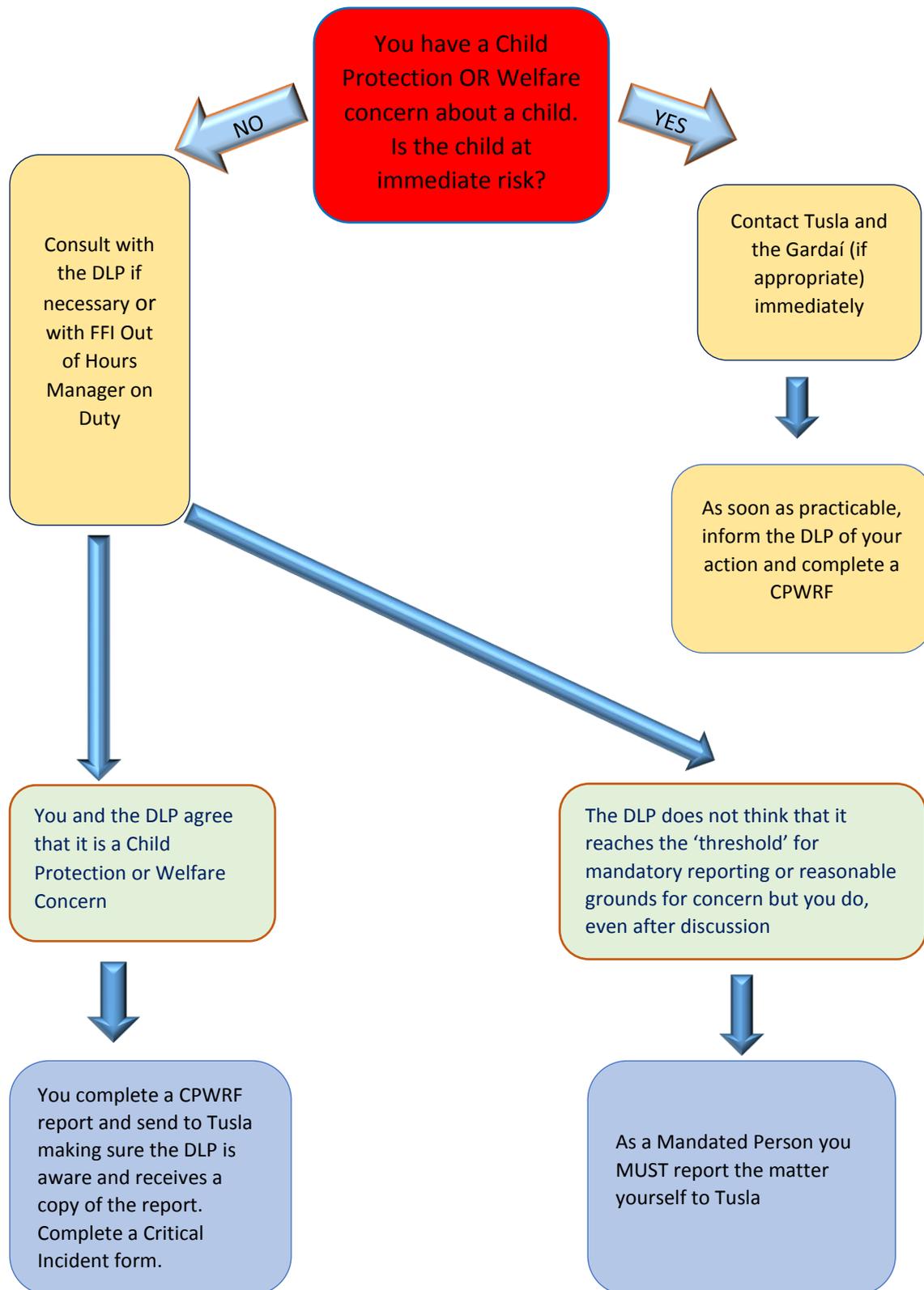
If a Child is not at Immediate Risk:

- You should contact the DLP without delay to discuss your concerns.
- The Tusla Duty Social Worker may also be consulted.
- Following this discussion and it is decided that the threshold of reasonable grounds for concern exist the DLP may assist you to complete a Child Protection and Welfare Report Form (CPWRF). This form is available on the Tusla website: [Child Protection and Welfare Report Form](#) and can be completed online or via email or post. If a CPWRF is completed then this should be attached to a Critical Incident Form 2A and sent to the DLP.
- While it is good practice to tell a family that a report is being made, it is usually NOT appropriate for FFI staff to inform a child’s family. Guidance should be sought from Tusla in relation to informing parents/carers of any reporting of incidents or concern.
- If a staff member disagrees with the decision not to report, they may make the report directly to the Child and Family Agency, using the CPWRF and inform the DLP.
- A copy of the CPWRF and Critical Incident Form 2A should be forwarded to the DLP

Reporting by Mandated Persons:

- If you are a Mandated Person and have concerns that a child has been harmed, is being harmed or is at risk of being harmed then you must report this to Tusla as soon as practicable using the CPWRF. If a CPWRF is completed then this should also be attached to a Critical Incident Form 2A and sent to the DLP. Please note that under the Children First Act (2017) that the responsibility for reporting lies with the Mandated Person. However, the Act allows for a Mandated Person to make a report jointly with any other person whether that person is a mandated person or not.
- If you are unsure that the concern reaches the threshold for a mandated report under the Children First Act 2015 or reasonable grounds for concern you should discuss this without delay with the FFI DLP (or Deputy) and/or the Tusla Duty Social Worker.
- If, following consultation you decide that the concern does not reach the threshold mandatory reporting but nevertheless have a 'reasonable concern' then you should also report your concern without delay to Tusla. (See page 17 for details). As a Mandated Person you have a legal responsibility to report concerns that you believe meet the threshold to Tusla even if the DLP (or other) is of a different opinion.
- While it is good practice to tell a family that a report is being made, it is usually NOT appropriate for FFI staff to inform a child's family. Guidance should be sought from Tusla in relation to informing parents/carers of any reporting of incidents or concern.
- A Mandated Person also has a duty to report to Tusla all incidents where someone makes a retrospective allegation of childhood abuse if there is any risk that other children might be abused. See section below – 'Retrospective Allegations' for further guidance and information.
- The DLP must be informed of all reports made whether by staff or Foster Carers. Details of the concern, any discussion held and action taken must be fully recorded in a timely manner.
- All persons who make a child protection or welfare concern report to Tusla in good faith are protected from civil liability under the Protection for Persons Reporting Child Abuse Act 1998.

Flowchart for Reporting Child Protection or Welfare Concerns if you are a Member of Staff



Reporting to An Garda Síochána

In certain situations there will be a requirement, under the 'Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Person) Act 2012' for any staff member or Foster Carer who knows or believes that a Schedule 1 offence has been committed against a child to report directly to the Gardaí. This does not take the place of other reporting requirements detailed in this policy but should be seen as an additional reporting requirement.

The Schedule 1 offences are outlined in the Appendix.

If a member of staff or Foster Carer makes such a report to the Gardaí then they must also ensure that the DLP and the local Tusla area are informed as soon as is practicable.

Other Reporting Requirements

Often more than the local Tusla area will be involved in situations concerning children and young people looked after by FFI. The child or young person may be the responsibility of one Tusla area, but resident in a different area. It is also possible that the alleged abuse has taken place in a third area, in the past, whilst the child or young person was on a visit, attending contact or on holiday. The Tusla area investigating the concerns/allegations should agree roles and responsibilities with any other areas involved but FFI should inform the host area (i.e. the area where the Foster Carers live) and any potential third area where abuse is said to have taken place.

If the child welfare or protection concerns relate to concerns regarding an FFI Foster Carer then the Foster Care Committee that approved the Foster Carers must be informed in writing of any report made to Tusla.

It is the DLP's responsibility to ensure that all reporting procedures are adhered to in FFI including those are legislated for, those according to FFI policy and any further personnel as determined by Tusla (e.g. the Foster Care Committee)

RESPONDING TO DISCLOSURES MADE BY CHILDREN

Children may sometimes disclose ongoing or past abuse to either FFI staff or Foster Carers. If this happens it is important to respond in an appropriate way, both to reassure the child and to avoid any potential 'contamination' of evidence in the case of criminal proceedings. It is Tusla's role to carry out any assessments in relation to disclosures made by children and this should be borne in mind in any situation where a child discloses potential abuse.

It is important to remember that FFI staff and carers are not required to **judge** whether the child is telling the truth but are required to pass on any information to Tusla in a timely manner.

Children First 2017 offers guidance on responding to disclosures (p. 22):

- *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*
- *Treat the information confidentially, subject to the requirements of this Guidance and legislation.*

FFI delivers training to Foster Carers on safeguarding children, which includes training on responding to disclosures.

RESPONDING TO RETROSPECTIVE ALLEGATIONS

There may be occasions when an adult discloses abuse that they suffered as a child. For example, this may be reported to an FFI assessor during the assessment process. In this case and if there is any risk that the perpetrator may be in a position to abuse other children then this **must** be reported to Tusla.

This can be an extremely distressing experience for an adult who has not previously disclosed abuse and every effort should be made to inform applicants, Foster Carers and others in advance of FFI's responsibility to report should such a disclosure be made. FFI will offer support as needed to any applicant or Foster Carer who discloses childhood abuse. However, in all circumstances, the welfare of any children potentially at risk of abuse is paramount and the report must be made.

Any adult who enters assessment with FFI should be advised in advance that, if they disclose past abuse FFI are obliged to report the abuse to Tusla and explain the reason why, i.e. that there may be children currently at risk. The process of reporting should be explained to the adult.

If there is uncertainty about whether there is a current risk to children then advice should be sought from Tusla. If the whereabouts of the abuser is known then contact should be made with the Tusla area where the abuser resides. This also applies if a report is being made.

A form for reporting retrospective allegations can be found on the following link: [Retrospective Allegation Report Form \(RARE\)](#)

Unidentifiable children

There may be situations where an FFI staff member, Foster Carer or student has a Child Protection and Welfare Concern about an unidentifiable child. This may arise for example in a situation where concerns arise in relation to the potential risk an adult might pose to a child. The child may not be known to the person who has the concern. However, under the Children First Guidance 2017 (pg. 15) any such reasonable concern should be reported to Tusla.

THE ASSESSMENT OF CHILD PROTECTION AND WELFARE CONCERNS

Once the report of a concern has been reported to Tusla, the first consideration will be ensuring the immediate safety of the child. If there is not an immediate threat to the child's safety or welfare then

a Tusla social worker will conduct a background check that includes reference to any previously expressed concerns along with making contact with other relevant professionals, e.g. teachers, doctors in order to gain a fuller understanding of the child’s history and circumstances. This process will determine whether there is a need to proceed to a Social Work Assessment. If a Social Work Assessment is deemed necessary the child’s family at that point, will be contacted and asked to cooperate in the assessment.

Following the Social Work Assessment there are four possible courses of action that Tusla can take:

- 🌐 The assessment will indicate that there is not a Child Protection or Welfare risk to the child but that referral to Family Support Services or another agency is appropriate.
- 🌐 The assessment will indicate that there is not a Child Protection and Welfare risk to the child but that there are welfare needs that require a Tusla Social Worker response and intervention
- 🌐 The assessment will indicate that there are serious concerns of ongoing risk of significant harm. A Child Protection Conference will be held to decide if the child’s name should be entered on the Child Protection Notification System (CPNS) and to draw up a Child Protection Plan.
- 🌐 The concerns are such that the child will be taken into care pending further assessment.

If the concern being reported relates to an FFI Foster Carer or member of staff please see relevant section of this policy on pages 33 and 35.

Where a notification has been to An Garda Síochána a criminal investigation may run parallel to the assessment of child protection or welfare concerns by Tusla. FFI staff and Foster carers must cooperate fully with all statutory investigations, which includes the sharing of records.

Mandated Assisting

Under the Children First Act 2015, (S.16) Tusla may request that a Mandated Person assist in the assessment of the Child Protection and Welfare concern in relation to the child. The Mandated Person is obligated to comply with this request ‘as soon as practicable’ (S.16.2). S.16.3). If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability under Section 16 (3) of the Children First Act 2015.

RECORD KEEPING

A clear record of all decisions, actions and processes should be maintained on the child’s file and all reports should be completed on the [Child Protection and Welfare Report Form \(CPWRF\)](#).

Critical Incident forms must be completed in addition to the CPWRF (using CI Form 2A if a CPWRF is completed) in accordance with FFI Critical Incident Policy and Procedure. The Critical Incident Form must be escalated as outlined in the policy and stored in the ‘Critical Incident’ tab on both the child’s and the Foster Carer’s file.

If a decision is made not to report the matter to Tusla, it should nevertheless be recorded accurately and in a timely fashion. This record should be stored in such a way that any recurring themes can be easily accessed by way of a ‘timeline’ of records that may reveal a theme of concern.

The outcome of any Child Protection assessment should be recorded on the file along with the appropriate Critical Incident outcome record.

The DLP should record all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse. (Children First Guidelines 2017, pg. 36)

Each member of staff is responsible for ensuring that appropriate records are kept and the DLP will have oversight of this.

Recording Guidelines

- 🌐 Records should be completed and uploaded to the database in a timely fashion. If the concern relates to an FFI Foster Carer then the record should be held on the Foster Carer file as well as the child's.
- 🌐 Records should be concise but should be written and maintained in such a way that recognises the importance of good quality information in protecting children from harm.
- 🌐 Records should contain details of the concern, who raised it, who was consulted and what was discussed, along with the rationale for any decision taken as a result of that consultation.
- 🌐 Records should outline any actions taken as a result of the concern and clearly document when the action was taken and by whom.
- 🌐 It is important that clear records are maintained even if the decision is that the matter is NOT a Child Protection and Welfare concern or does not form the basis for a reasonable concern. The rationale for coming to that decision must be clear. This equally applies if there is a lack of agreement about how a concern should be followed up.
- 🌐 Records should clearly distinguish between fact and opinion.
- 🌐 Clear and unambiguous language will be used – jargon, slang, complex phrases and terminology will be avoided unless clearly explained. The full name, role/designation and location of individual referred to will be identifiable.
- 🌐 Recording will convey respect and valuing of difference, language that is discriminatory will be avoided.
- 🌐 The FFI Recording Policy and Procedure should be followed.

Confidentiality and Information Sharing

FFI must cooperate with Tusla in the sharing of records where a Child Protection or Welfare concern arises. The proportionate sharing of information with statutory authorities in relation to Child Protection or Welfare concerns does not constitute a data protection breach or breach of confidentiality. Section 17 of the Children First Act 2015 provides that information shared by Tusla must not be disclosed to a third party unless authorised by Tusla in writing.

Records must be securely kept and shared on a need-to-know basis if it is in the best interests of the child to do so.

No undertakings regarding secrecy must be given by any FFI member of staff, Foster Carer or student. This should be made known to the child and any others such as parents or Foster Carers.

Parents/guardians and children have a right to know if personal information is being shared unless doing so could put the child at further risk or put the reporter at risk.

CHILD SEXUAL EXPLOITATION (CSE)

Sexual exploitation of children involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post-sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability.

FFI has developed a specific policy in relation to CSE (linked below) and key to the prevention or detection of CSE is the sharing of information with relevant authorities. The CSE vulnerability assessment contained within the policy should be completed where there is any suspicion that a child might be the victim of CSE.

[CSE Policy](#)

MISSING CHILDREN

FFI recognises that children who are missing from their foster home are at a substantially increased risk of harm and has developed a policy that will ensure that appropriate action is taken according to the potential risks for each individual child. This policy is in line with the ‘Joint Protocol between the HSE and An Garda Síochána on children missing from Care 2012’

A risk assessment will be undertaken in any situation where a child is perceived as being at risk of going missing or absconding. The policy outlines the actions to be taken if a child does go missing, the reporting requirements and the actions to be taken when the child returns to placement.

FFI maintains an up to date photograph of every child in placement as an aid to identifying a child who is missing.

[Missing Children Policy](#)

BULLYING

Children First (2017) defines bullying as repeated aggression- whether it is verbal, psychological or physical that is conducted by an individual or group against others.

Bullying can happen face-to-face or through cyberspace, and comes in many different forms:

-  Verbal: Name calling, persistent teasing, mocking, taunting and threats.
-  Physical: Any form of physical violence, intimidating behaviour, theft or the intentional damage of possessions. This includes hitting, kicking and pushing.
-  Emotional: Excluding, tormenting, ridiculing, humiliation, setting people up and spreading rumours.
-  Cyber Bullying: is the misuse of digital technologies or communications to bully a person or a group, typically through messages or actions that are threatening and/or intended to cause offence, anxiety or humiliation.

While bullying can happen to any child, it is important to recognise that some children have an increased vulnerability to bullying including: children with special needs and educational needs, those from ethnic, minority or migrant groups, those from the Traveller community, LGBTI children, and children of minority religious faiths.

All staff and carers should be aware of the potential for bullying to reach a level where it can be considered a Child Protection and Welfare Concern and report appropriately.

The FFI policy and guidance on bullying should be followed in any instance of suspected or actual bullying.

[Bullying Policy and Procedure](#)

EXTREMISM AND RADICALISATION

Radicalisation of children and young people is a Child Protection issue and local jurisdiction safeguarding procedures must be followed. FFI takes the issue of extremism and radicalisation very seriously and will always act to safeguard children placed with or in contact with FFI. FFI will work with Tusla, An Garda Síochána and other organisations as required by providing all relevant information, by participating in strategy meetings and case conferences as invited and working collaboratively with other agencies to protect the child.

Radicalisation is defined as the process by which people come to support terrorism and extremism and in some cases, to then participate in terrorist groups.

Radicalisation can take place through contact with the child but also on line, and children can, through on line interactions and exposures to various types of internet context, come to view violence as a legitimate method of solving social and political conflicts.

Extremism is vocal or active opposition to fundamental country values e.g. the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. It can also include calls for the death of members of the armed forces, whether in country or overseas.

FFI has developed a specific policy, which should be consulted if there any concerns that a child may be at risk of radicalisation or extremism.

[Safeguarding children against Extremism and radicalisation](#)

FEMALE GENITAL MUTILATION (FGM)

'Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons

FGM is recognized internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children. The practice also violates a person's rights to health, security and physical integrity, the right to be free

from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death¹ (*World Health Organisation*).

In Ireland FGM is considered a crime under the [Criminal Justice \(Female Genital Mutilation\) Act 2012](#) and if the person is under 18 years of age then it is a Child Protection Concern.

The FFI policy in relation to FGM offers guidance on recognising risk factors as well as the reporting requirements if FGM is suspected or known.

[Safeguarding children against Female Genital Mutilation](#)

GANG BASED ACTIVITY

Addressing the problem of gang involvement is a multi-agency issue; partnership working and information sharing is therefore a key to safeguarding children and young people at risk of gang-related harm.

Young people are put at risk by gang activity both through participation in and as victims of gang violence.

Overall, children particularly vulnerable to suffering harm in the gang context are those who are:

-  Not involved in gangs, but living in an area where gangs are active, which can have a negative impact on their ability to be safe and healthy in the community.
-  Not involved in gangs, but at risk of becoming victims of gangs;
-  Not involved in gangs but at risk of becoming drawn in, for example, siblings or children of known gang members; or
-  Gang-involved and at risk of harm through their gang-related activities (e.g. drug supply, weapon use, sexual exploitation and risk of attack from own or rival gang members).

Victims and offenders are often the same people. When adults treat a young person as just a victim or just an offender, they are not taking into account the complex, cyclical nature of the victim-offender link and the factors that influence young people's lives.

The FFI policy, 'Gang Activity' offers useful guidance about recognising potential risk from gang activity and outlines what staff and carers should do if there is a concern that a child may be involved with, or the victim of, gang related activity.

[Gang activity guidance](#)

HONOUR BASED ABUSE

Honour based abuse is a crime or an incident which may have been committed against somebody to protect or defend the honour of the family or community. It is often committed by family members or acquaintances who mistakenly believe someone has brought shame to their family or community by doing something that is not in keeping with the traditional beliefs of their culture. For example, honour based abuse might be committed against people who:

-  become involved with a boyfriend or girlfriend from a different culture or religion
-  want to get out of an arranged marriage
-  want to get out of a forced marriage

- 🌐 wear clothes or take part in activities that might not be considered traditional within a particular culture
- 🌐 behave in a way that is viewed to be untraditional or shameful

While there is no specific legislation regarding honour-based crimes, incidents of honour-based violence will almost always constitute a crime, such as rape, sexual assault, physical assault, false imprisonment, and even murder. When honour-based crimes involve a child or young person, they will also constitute child abuse. Children who have been trafficked into sexual slavery may also find themselves victims of honour-based abuse after escaping.

If a member of staff or Foster Carer suspects that a child may be a victim of, or at risk of, honour based abuse this must be treated as a Child Protection concern.

An FFI policy has been developed in relation to Honour Based Abuse

[Safeguarding Children against Honour Based Abuse Guidance](#)

SAFEGUARDING IN FFI PLACEMENTS

As an independent fostering agency, FFI is committed to ensuring that all its processes and policies are developed with the safeguarding of children as its first priority. Standard 1 in the 'Framework for Excellence in Foster Care' is '*Promoting Children's Safety – every child or young person will be placed in a foster home that is safe and secure, where they will be protected from abuse or exploitation of any kind*'. The outcome of this is that '*The child will know that adults caring for them will keep them safe, provide support and protection from harm, and enable them to share fears or feelings, past and present. The child will develop an awareness of, and skills in, self-protection*'.

Recruitment and Assessment

The assessment of Foster Carers is carried out in FFI by qualified, contracted Social Workers. These workers are subject to all necessary checks and procedures including National Vetting Bureau checks, checks with Tusla areas where they have lived and identity checks as well as references and proof of qualification.

FFI has a policy and procedure for 'Assessment and Approval of Foster Carers' that ensures that every Foster Carer working for the agency will be subject to, and participate in, a thorough and comprehensive assessment of their ability to provide a safe and caring home for children and young people in "out of home" care.

The Foster Carers assessment will meet the standards set by FFI and also be compliant with any statutory expectations and guidance as laid down by the Tusla Fostering Committees, such as the Foster Care Committees Policy, Procedure and Best Practice Guidance.

The assessment will include a detailed exploration of the personal history and experience of the Foster Carers, and their skills and ability to meet the needs of fostered children, within the context of the wider household and support networks.

It will also be supplemented by a range of checks and references in order to gather additional information and evidence from third parties the suitability of the Foster Carers for the task. All potential Foster Carers and adult members of the household will be subject to Criminal Record Checks including overseas checks if appropriate. All potential Foster Carers undertake a comprehensive Health and Safety check of the home environment and also prepare a 'Family Safe Care Plan' that outlines the ways in which children will be safeguarded.

All potential Foster Carers will attend 'Foundations for Fostering' pre-approval training that includes the principles of safeguarding and safer-caring.

There is a Quality Control system in place which all assessments are subject to after which the Director of FFI has sight of all completed, signed assessments and approves them prior to presentation at the Tusla Foster Care Committee.

Family Safe Care Plan

All Foster Carers complete a Family Safe Care Plan during assessment and this is subject to review on an ongoing basis. The plan is written in consultation with all family members, FFI Assessor and/or Link Social Worker and is shared with the foster child and the child's Tusla Social Worker. The plan details the ways in which families will operate to minimise any safeguarding risk that might exist. It encourages the carer family to think about and develop particular ways of behaving as a family. For example, the Foster Carer family must develop 'house rules' about entering each other's bedrooms, dressing appropriately and how to show affection.

Foster Carer Reviews

FFI conducts Foster Carer Reviews after the first year and in every subsequent third year, in accordance with the National Standards for Foster Care (*Sect. 17*). The subsequent report is presented to the Tusla Foster Care Committee. In addition, FFI also conducts annual appraisals in relation to every Foster Carer in order to consider the carers ongoing development and address any concerns. If an allegation is made against a Foster Carer or if there are other concerns about their ability to safeguard a child a review will be held more frequently. Criminal record and other checks are updated at every review.

Unannounced Visits

FFI conducts unannounced visits at least annually and more if there are concerns about the level of care provided to a child. The unannounced visit is carried out by a qualified member of staff and the subsequent report presented at the Carer Review. The visit will include an opportunity for the child to give their view of the placement and to express any concerns they may have.

Health and Safety

FFI conducts a comprehensive annual Health and Safety check on all carer households. This includes checking vehicle documentation as well as the home, garden and holiday home if applicable. Health and Safety Training is mandatory for all carers and is updated every 3 years.

Safeguarding Training

All staff and Foster Carers have a duty to undertake Children First Training as well as other associated Safeguarding Training on a regular basis. A Training Needs Analysis is undertaken at three yearly intervals.

All staff and Foster Carers are expected to complete the e-learning Children First module.

Referral, Matching and Placement

FFI is committed to ensuring that any child is matched with the most appropriate Foster Carers; ones who are able to meet the child's needs. This includes consideration of a child's particular needs in relation to safeguarding. FFI has a comprehensive Matching and Placement Policy that emphasises the importance of gathering information about a child prior to placement, the criteria for matching child and Foster Carers and actions to be considered if a child has specific safeguarding needs. A Child Specific Safe Care Plan is considered for every child and, if warranted risk assessments for children

who are likely to self-harm or go missing are completed in collaboration with Tusla, the Foster Carers and, if appropriate, the child.

Supervision

All Foster Carers in FFI have a named Link Social Worker who is available to them and who engages in supervision with them on a regular basis. Supervision records are shared with the Foster Carer and maintained on the Foster Carer electronic file.

Child Protection and Welfare Concerns in relation to Foster Carers

The primary concern if there is a Child Protection and Welfare concern in relation to an FFI Foster Carer is to ensure the child's safety and well-being. The procedures described in the FFI Child Protection and Welfare Policy will be followed in the same way as for any other Child Protection and Welfare concern, that is:

- If a child is believed to be at risk of immediate or serious harm then Tusla will be contacted immediately (or the Gardaí if Tusla is unavailable).
- If the child is not at immediate or serious risk then consultation may take place and the concern will be reported without delay, using the CPWRF as directed in this policy.

The assessment of the Child Protection and Welfare concern will be undertaken by Tusla and informing the Foster Carers about the reporting of the concern will be guided by Tusla Social Work staff who will make a decision about whether informing the Foster Carers immediately would impair their ability to carry out an investigation.

Any reported Child Protection and Welfare concern against a Foster Carer will also be reported to the senior Key Assets management team utilising the Critical Incident Form and escalated according to the FFI Critical Incident Policy.

The Foster Care Committee who approved the Foster Carers will also be informed.

If there is a child in placement then guidance should be sought from Tusla as to whether the child can remain there during assessment of the concern. If there is no child in placement at the time of the report then the Foster Carer will be placed on hold and no further placement will be offered to them until the assessment is concluded and a decision made that the concern was unfounded.

All FFI Foster Carers will be offered independent support in any case where a serious allegation is made against them in the course of their work as Foster Carers. This will not impact on the support normally offered by the Link Social Worker but is a recognition of the primary responsibility the Link Social Worker has to cooperate where needed with the Tusla assessment/investigation.

Following the Tusla assessment, investigation and conclusion of a Child Protection and Welfare concern in relation to a Foster Carer a Carer Review will be held by FFI unless the allegation was unfounded and it is judged unnecessary to hold a Review.

Safe Care and Risk Assessments

When a child is placed in an FFI foster home consideration is given to the need to develop an individualised Child Specific Safe Care Plan. If it is determined that one is not needed this is recorded on the child's file and is subject to review. If a Child Specific Safe Care Plan is developed this is considered and reviewed on a regular basis during Foster Carer supervision.

If a child displays behaviour that may constitute a particular risk of harm to themselves or others, e.g. fire-setting, significant substance abuse, then a risk management plan will be completed with the Foster Carers.

If a child goes missing or is deemed to be at risk of going missing then a specific risk assessment is completed by the Link Social Worker and Foster Carer.

If a child self-harms or is at risk of self-harming then a detailed risk assessment is undertaken with input from FFI therapeutic services to determine how best to care for the child and minimise risk of harm.

All risk assessments are shared with the child's Tusla Social Worker.

Children's Rights and Information about Complaints

Once a placement has been made, each child receives a booklet, which includes, amongst other items, a section on children's rights and who to approach with a problem. In addition, each child (age allowing) is given a complaints booklet and this is looked at in a meeting between child, Link Social Worker and Foster Carer within a fortnight of placement. The complaints booklet encourages a local solution to issues but offers clarity on the steps to take if this does not resolve the issue. The child will further have the opportunity to talk about any concerns they may have at the time of the Unannounced Visit. FFI is committed to providing different fora where children can participate and share their views on the care they are receiving.

Children's Activities

All organised activities undertaken by children in the care of FFI, such as summer and Christmas events are subject to a venue risk assessment as well as consideration of each child's individual 'Profile' which details any concerns or risks that might be present for the child.

SAFEGUARDING IN STAFF RECRUITMENT AND EMPLOYMENT

FFI is committed to ensuring that all staff and contracted workers are suitable to work with children in a safe way.

Recruitment and Selection

A recruitment and selection procedure is in place that is consistently adhered to. The selection process includes Criminal Records Checks, Qualification Checks, Proof of Identity Checks and professional references. For any Social Work staff members current CORU registration is a requirement.

Staff induction

A clearly outlined induction process is in place, which includes a six-month probationary period with ongoing assessment as to the workers suitability.

Safeguarding Training is provided to all staff according to the requirements of Children First National Guidance 2017 and the Children First Act 2015

Supervision and Accountability

There is a robust management structure in place, which offers clear accountability and line management. All line managers themselves have a direct responsibility to report to the senior management team or the Director.

FFI has a Staff Supervision Policy and regular supervision is prioritised within the agency. Supervision records are agreed and maintained on a specific template.

FFI has policies in place including a Code of Conduct regarding acceptable behaviour in general and in particular in relation to Safeguarding issues.

A clear disciplinary procedure is in place.

Training

All staff receive Children First Training and other Safeguarding Training appropriate to their role. A Training Needs analysis is carried out every three years.

Allegations against Workers

FFI has a specific policy to manage Child Protection and Welfare concerns against workers. As with concerns in relation to Foster Carers the procedures described in the FFI Child Protection and Welfare Policy will be followed in the same way as for any other Child Protection and Welfare concern, that is:

- 🌐 If a child is believed to be at risk of immediate or serious harm then Tusla will be contacted immediately (or the Gardaí if Tusla is unavailable).
- 🌐 If the child is not at immediate or serious risk then consultation may take place and the concern will be reported without delay, using the CPWRF as directed in this policy.

At this stage, the staff member will not be informed about the report.

The person responsible for making the CPWRF report will also inform the DLP and the Director of FFI.

If the allegation is made against the Director then the CEO of Key Assets will be informed.

The DLP or Director will inform the relevant Key Assets senior manager and HR department as per the FFI Critical Incident Policy. If the allegation is a serious one that might elicit media interest or a possible insurance claim then the Key Assets Risk Management team will also be informed using the Risk Alert Template.

The staff member will not be the subject of an internal investigation by FFI until the Tusla (and Gardaí if involved) investigation is complete. However the staff member may be suspended immediately if it is judged necessary to protect other children from harm. The views of Tusla and the Gardaí should be sought when making this decision.

Whistleblowing Policy

FFI has a Whistleblowing Policy, which outlines the process to be followed and the protections for staff, and Foster Carers, with reference to the Protected Disclosures Act 2014

IMPLEMENTATION AND SHARING OF THE Child PROTECTION AND WELFARE POLICY

Implementation Plan

The Policy will be distributed to all staff and Foster Carers and the reporting procedures will be contained within the Foster Carer Handbook.

Staff and Foster Carers will be expected to confirm that they have received and read the Child Protection and Welfare Policy during their induction into the agency.

Regular training will be provided on reporting a concern under The Children First Act 2015 and Children First Guidance 2017.

Sharing our Safeguarding Procedures

A copy of the Child Protection and Welfare Policy and all associated policies and procedures will be available to staff and Foster Carers.

The Child Protection and Welfare Policy will be available on the FFI website.

DOCUMENT CONTROL

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REVISION RECORD

Date	Version	Revision Description	Date Agreed by Director:
February 2013	1		
March 2015	2	Rebrand to Key Assets only	
February 2017	3	Initial Safeguarding policy referred broadly to definitions of abuse and reporting and investigating processes. The scope of this policy has been extended to include wider safeguarding issues e.g. Child Sexual Exploitation, Trafficking, Female Genital Mutilation, Radicalisation and extremism, Gangs, Honour Based Abuse Detailed guidance and procedure on managing allegations against staff and carers removed and placed in separate documents. See Associated Policy list Policy has wider applicability to include fostering, staffed homes, children's services.	

February 2018	4	Fully revised in line with Children First Act 2015 and Children First National Guidance 2018	Marie Faughey
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APPENDIX 1- MANDATED PERSONS

The following classes of persons are specified as mandated persons for the purposes of this 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.

APPENDIX 2 – KEY LEGISLATION

The Children First Act 2015

[The Children First Act 2015](#)

This Act re-defines the concept of harm and reinforces the best interests of the child as being paramount.

It lays duties on agencies to provide Safeguarding Statements and lays out the reporting requirements for Child Protection and Welfare Concerns. The Act defines the role of ‘Mandated Persons’ and lays out their reporting duties under the Act.

The Act also allows for Tusla to request that Mandated Persons assist in their assessment of whether a child may have been harmed.

The Act also abolishes the common law defence of ‘reasonable chastisement’ in relation to a child.

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Person) Act 2012

[Criminal Justice \(Withholding of Information on Offences against Children and Vulnerable Person\) Act 2012](#)

This act places a responsibility on any person to report to An Garda Síochána if it is known or believed that a Schedule 1 offence has been committed against a child or has information that might be of assistance in securing the apprehension, prosecution or conviction for the offence. It is an offence not to do so. The Schedule 1 offences are listed below:

“1. Murder

- 2. Manslaughter.*
- 3. Common law offence of false imprisonment.*
- 4. Rape.*
- 5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.*
- 6. Sexual assault.*
- 7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.*
- 8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).*
- 9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).*
- 10. An offence under section 6 (1) of the Criminal Law (Sexual Offences) Act 1993.*
- 11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).*
- 12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).*
- 13. 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).*

14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008 —
- (a) Section 2 (trafficking, etc., of children),
 - (b) Section 5 insofar 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),
 - (c) Section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997 —
- (a) Section 3 (assault causing harm),
 - (b) Section 4 (causing serious harm),
 - (c) section 5 (threats to kill or cause serious harm),
 - (d) Section 13 (endangerment),
 - (e) Section 15 (false imprisonment),
 - (f) Section 16 (abduction of child by parent, etc.),
 - (g) Section 17 (abduction of child by other persons).
19. An offence under section 246 of the Children Act 2001 (cruelty to children).
20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012 —
- (a) Section 2 (offences of female genital mutilation, etc.),
 - (b) Section 3 (offence of removal from State for purpose of female genital mutilation),
 - (c) Section 4 (acts, etc., done outside State)."

[Criminal Justice Act 2006, Section 176: Reckless Endangerment of Children](#) [Criminal Justice Act 2006, Section 176](#)

Section 176 of this Act offers definitions of what constitutes 'Reckless Endangerment of Children' and also makes it an offence not to take 'reasonable steps' to protect a child

"(2) A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by - (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse or (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence".

Protected Disclosures Act 2014

[Protected Disclosures Act 2014](#)

This act encourages people to report serious wrongdoing in their workplace by providing protection for employees who are 'whistleblowers'. The wrongdoing must come to the attention of the worker in connection with their employment and they must demonstrate a reasonable belief. The Act offers protection for both public and private sector workers.

Protection for Persons Reporting Child Abuse Act 1998

[Protection for Persons Reporting Child Abuse Act 1998](#)

This act offers protection from both civil liability and penalisation at work for reporting child abuse. In relation to an employee making such a report the act also assumes that the employee is acting in good faith until proven otherwise and therefore has a right of redress if dismissed under the Unfair Dismissals Act 1997. A key point of this legislation is that any report of child abuse must be made 'reasonably and in good faith'. If someone makes a false report of Child Abuse then they are guilty of an offence.