



Office of Public Works

Child Protection Policy

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Introduction

Consistent with the principles of *Children First : National Guidance for the Protection and Welfare of Children (Department of Children and Youth Affairs 2011)*, every organisation, both public and private, that is providing services for children, or that is in regular direct contact with children should develop guidance and procedures for staff who have reasonable grounds for concern about the safety and welfare of children involved with the organisation.

The Office of Public Works (OPW) has a large number of historic properties and national heritage sites throughout Ireland and each year thousands of visitors visit these sites. A number of these visitors are children, visiting either with family members or friends or as part of a larger organised group.

The OPW has adopted this Child Protection Policy to underpin its commitment to the safety and welfare of children and young people who engage with the OPW and its services.

This Child Protection Policy applies to all OPW staff. Unless otherwise stated, reference to staff includes the following:

- Staff employed directly by the OPW on permanent, fixed term and casual contracts,
- Staff employed by contractors or through a contract or agency arrangement who provide a service to the OPW,
- Self employed or freelance staff,
- Volunteers.

Contractors who provide services to the OPW such as security and catering providers will be advised of the OPW's child protection policy and will be required to meet the policy requirements as part of their contract terms and conditions.

The OPW's Child Protection Policy is an evolving document. Periodically the OPW will evaluate the Policy taking into account such items as feedback received and/or any changing legislation over that period and amend accordingly.

For the purposes of this policy a child/young person means a person under the age of 18 years, excluding a person who is or has been married.

OPW

Child Protection Policy Statement

The Office of Public Works (OPW) is committed to a child-centred approach in its work with children and young people. While ultimately, the primary responsibility for a child or young person's welfare rests with the primary carer¹, the OPW will ensure, insofar as is reasonably practicable, that children who interact with the OPW are safe and protected from harm. The OPW will adhere to the recommendations of *Children First : National Guidance for the Protection and Welfare of Children* and the accompanying *Child Protection and Welfare Practice Handbook* published by the Department of Children and Youth Affairs in September 2011.

The OPW will refer any child protection and welfare issue to the appropriate agencies. In particular, if the OPW encounters or has concerns or suspects abuse of a child or young person it will report these concerns to the Health Services Executive (HSE) and/or An Garda Síochána.

Valuing children means valuing staff as well; insisting on safe practices, eliminating the necessity for staff to take risks and providing them with support will make for a healthier and safer organisation. The OPW wishes to support and protect its staff, and the guidelines in this policy will ensure that there is no doubt about responsibilities, obligations and standards.

The OPW's Child Protection Policy and Procedures will be made accessible to all users of OPW sites and services through its website www.opw.ie.

This Policy will be reviewed regularly.

Clare McGrath
Chairman

Date : February 2012

¹ 'Primary Carer' refers to parent (s), teacher(s) and group leaders, legal guardians, carer(s) or responsible adult(s) as appropriate

Section 1 : Primary Carers and Involvement of Children

The primary responsibility for the welfare of children visiting the OPW rests with the parents, carers, group leaders or teachers.

The OPW requires Primary Carers to ensure that they, and all children and young people in their care, meet standards of good conduct and behaviour and are courteous and cooperative with OPW staff.

Primary carers of children/young people are required to remain with their child/children/group while on site unless advised otherwise (see Section 2)

The OPW is committed to being open with primary carers and undertakes to:

- Make our Child Protection Policy and Procedures available to primary carers;
- Make primary carers and schools aware of the type of activities, if any, that young people can participate in at OPW sites;
- Comply with health and safety practices;
- Advise primary carers of their responsibilities regarding supervision of children/young people in their care.

Section 2 : When a Primary Carer is not Present

2.1 Young People working in OPW

The OPW employs young people who may be under the age of 18 in various capacities across the organisation. For example: apprentices, staff working in shops/restaurants at heritage sites etc. The standard procedure for staff interacting with young people under the age of 18 years (including young people working in the OPW) is to avoid situations where they are alone with them by ensuring that another staff member is present.

However, it is recognised in some cases given the nature of the work involved and/or staffing resources in many OPW locations around the country that it is not always practical or possible for staff to avoid being alone with a young person working in the OPW.

Therefore it is necessary prior to taking up employment that staff members under 18 years are aware of their responsibilities, what will be expected from them, who they will be working with directly and the possibility of any off-site work. Young people working in the OPW should be provided with a copy of the Child Protection Policy to ensure they are aware of their rights as children and their obligations as staff members.

2.2 Work Experience/Research Students

Each year the OPW provides work experience for students who may be under 18 years of age. In addition students under 18 years of age may visit OPW sites for research purposes. These students are not employed by the OPW and are therefore not staff members. In order to protect these students and staff in the OPW alike, staff should avoid being alone with a student who is under 18 years of age. As outlined previously, this may not always be practical or possible due to limited resources or the nature of the work experience. Therefore students, prior to commencing work experience, should be advised of exactly what will be expected from them, who they will be working directly with and whether off site work will be included in their duties. A copy of the Child Protection Policy should also be provided to students under 18 years of age to ensure that they are aware of their rights.

2.3 OPW Parks

It is not possible to apply age restrictions in relation to public parks in the ownership of the OPW. However, staff at these parks should avoid, if at all possible, that they are not in a situation where they are alone with a child/ young person.

In the event that security/constable staff are in a situation where they are alone with a

child/young person, they should ascertain whether the child/young person is lost and if so follow procedures at Appendix 2. Where a child/young person is causing a disturbance/committing an offence then procedures carried out for other persons in a similar situation at the site should be followed.

2.4 Workshops

Some workshops aimed at children carried out at our OPW sites are logistically easier to manage when primary carers do not stay during the event. Where it is deemed impractical for the primary carer to stay during a workshop, OPW staff will advise the primary carer accordingly on arrival or at booking stage whichever is the earlier.

Where the primary carer is not required to stay, it is procedure for **two** staff members, OPW or contracted staff, to be present at all times with the group during the event.

Drop-off and pick-up times must be clearly advised. The primary carer will be asked to accompany the child/young person in their care, to toilet facilities before the workshop/event begins.

If there is only one leader/staff member available to carry out the workshop then the/a primary carer will be required to stay for the duration of the event.

Section 3: Code of Behaviour in relation to Child Protection

The OPW Child Protection Policy aims to create an environment in which,

- *primary carers* are aware of their responsibilities;
- *children* are listened to and kept safe;
- *staff* who are involved with children and young people are supported and protected.

In order to meet these aims, the OPW will follow a framework for good practice and code of behaviour as set out in this section.

3.1 Good Practice Guidelines for OPW staff

- Make primary carers, children/young people, visitors, guides and volunteers aware of the Child Protection Policy and procedures;
- Request primary carers to supervise the children in their care at all times;
- Ensure that staff are informed about Child Abuse and made aware of the possible signs of abuse (**Appendix 1**);
- Ensure that a ratio of at least 1 primary carer for every 20 children visiting the OPW is strictly adhered to;
- Require guides and others working with children and young people at the OPW to be made aware of, and accept, the OPW Child Protection Policy;
- Be inclusive of children and young people with special needs;
- Report any concerns to the OPW Designated Person ensuring reporting procedures are followed;
- Enable children and young people to report any bullying, concerns or worries;
- Observe appropriate dress and behaviour;
- Provide appropriate guidelines for staff;
- Update and review relevant policies regularly;
- Follow procedures for dealing with lost/ found children (**Appendix 2**);
- If images of children are to be displayed, parents/guardians must be informed beforehand;
- Inform primary carers of any issues that concern their children;
- Respond promptly to concerns;
- Maintain awareness of child protection issues when engaging with children and young people in particular, around language and comments made.

3.2 Protect and Promote Children's rights by,

- Treating all children and young people with dignity, sensitivity and respect;
- Making sure that children know the OPW's rules about behaviour;
- Helping children to be safe, happy and to have as much fun as possible;
- Never favouring one child or children over others;
- Providing written information about the OPW Child Protection Policy to children, where appropriate, and their primary carers;
- Knowing about the principles and practices of child protection including their legal duties;
- Never engaging in sexually provocative games or make suggestive comments, even in fun;
- Respecting children's privacy in bathrooms or changing rooms;
- Always responding to complaints or allegations;
- Being sensitive to the fact that some children are more vulnerable and have special needs.

3.3 Inappropriate Behaviour – Checklist for Staff

- Never hit or physically punish a child or young person;
- Avoid time alone with a child/young person;
- Never single out a child for favouritism, unfair criticism, ridicule, or unwelcome focus or attention;
- Never make physical contact with a child/young person (except in an emergency or dangerous situation);
- Never reveal personal information about a child in any way, subject to child protection concerns.

3.4 Health and Safety

- Do not leave children unattended or unsupervised;
- Provide a safe environment;
- Be aware of accident/health and safety procedures and follow accordingly. The majority of OPW sites have health and safety guidelines, specific to their site. All staff are expected to be aware of guidelines and procedures appropriate to their site.

3.5 What to do if a child speaks directly about abuse or neglect

- Stay calm and listen – give the child time to say what he or she wants,
- Do not ask leading questions or details, or make suggestions;
- Explain that you cannot promise not to speak to others about the information they have shared;
- Do NOT ask the child to repeat unnecessarily, his or her account of events;
- Make an accurate record of the information you have been given. Take care to record the timing, setting and people present, the child's presentation as well as what they said. Keep this information safe as it may be needed later as evidence;
- Use the child's own words where possible.

Section 4 : Reporting Procedure

The guiding principles in regard to reporting child abuse may be summarised as follows:

- the safety and well-being of the child must take priority;
- reports should be made without delay to the HSE Children and Family Services;
- the principle of natural justice should apply, which means that a person is innocent until proven otherwise;
- the principle of confidentiality should apply, whereby only those that need to know should be told of a suspicion/allegation/disclosure of abuse and the number that need to be kept informed should be kept to a minimum.

Any person who suspects that a child is being abused, or is at risk of abuse, has a responsibility and a duty of care to report their concerns to the Health Service Executive, either directly or through the Designated Officer.

4.1 Designated Officer

Children First : National Guidance 2011 recommends that all organisations providing services to children should have a designated person to act as a liaison with outside organisations. The Designated Officer will:

- Act as a source of advice on child protection matters;
- Co-ordinate action within the OPW and any other Designated Officers;
- Liaise with the HSE and An Garda Síochána and other agencies about suspected or actual cases of child abuse;
- Be accessible to all staff.

The Designated Officer shall ensure that s/he is knowledgeable about child protection and that s/he undertakes any training considered necessary to keep updated on new development.

If the Designated person is not available then the Deputy Designated person should be contacted. The Deputy Designated Officer will take over the responsibilities of the Designated Officer if s/he is unavailable for a significant amount of time. The OPW Designated Officers and deputy Designated Officers are listed in **Appendix 3**.

The Role of the Designated Officer is to:

- Be familiar with the Department of Children and Youth Affairs guidelines, *Children First: National Guidance 2011* and to have responsibility for the implementation and monitoring of the OPW Child Protection Policy;
- Receive reports of alleged/suspected or actual child abuse and to act on these in accordance with the guidelines and the OPW Child Protection Policy;
- Provide information and advice on child protection within the OPW;
- Ensure that the OPW's child protection policy and procedures are followed and to inform appropriate sources of relevant concerns about individual children;
- Ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing under confidential cover using the HSE Standard Reporting form (**Appendix 4**)
- Liaise with the Health Service Executive/An Garda Síochána and other agencies as appropriate;
- Keep relevant people within the organisation, particularly the Chairman, informed of relevant issues, whilst maintaining confidentiality;
- Ensure that an individual case record is maintained of the concern/allegation/disclosure, the action taken, the liaison with other agencies and the outcome;
- Ensure individual case records are confidential and stored securely;
- Advise the Commissioners of Public Works of Child Protection training needs

4.2 Steps to be taken by Staff member who knows about or suspects child abuse

The following procedure should be followed where reasonable grounds exist for the reporting of suspected or actual child abuse. Issues that would constitute 'reasonable grounds' are explained in **Appendix 5** of this policy document.

- A staff member who has a child protection concern will bring the concern to the attention of the relevant designated officer at the earliest opportunity. Staff will also facilitate direct access to the Designated Person if requested by a primary carer or by a child or young person.
- A staff member who knows or suspects that a young person has been or is at risk of being

harmed has a duty to convey this concern to the Designated Officer who will report the information to the HSE Children and Family Services. The HSE will, in turn, notify An Garda Síochána. In an emergency, a report must be made directly to An Garda Síochána.

- If the suspected abuser is another staff member, the matter should be brought to the attention of the Designated Officer and the Personnel Officer. When the Designated Officer and Personnel Officer have been notified, the matter should then be referred as soon as possible to the HSE, who will notify An Garda Síochána. In this regard the OPW should be sensitive to the fact that those with a need to know should be restricted to a minimum.
- It is important that all staff are aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the HSE and An Garda Síochána. Under no circumstances should any staff member attempt to deal with the problem of abuse alone.
- The staff member who initially expresses concern will be required to complete a file report, in consultation with the relevant Designated person, outlining the situation, including the date, time and people involved. The report should be factual, any opinions should be stated as such and supported by factual information. A Standard Report Form, should be used when reporting child welfare and protection concerns to the HSE Children and Family Services. This standard form is in **Appendix 4**.
- A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should be communicated to the HSE Children and Family Services by the Designated Officer.
- Any reasonable suspicion must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child. The HSE has a statutory obligation to identify children who are not receiving adequate care and protection, to provide family support services and, where necessary, to take children into the care of the HSE.
- Staff who report concerns to the HSE are assured that they will not automatically trigger inappropriate child protection investigations. It is also important to note that staff who report concerns “reasonably and in good faith” are protected from civil liability under the Protection of Persons Reporting Child Abuse Act 1998 (**Appendix 6**).

- Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending HSE intervention. In the event of an emergency where it is thought that a child is in immediate danger and the HSE cannot be contacted, then contact should be made directly with the Gardaí. This may be done through any Garda station.

4.3 Steps to be taken by the Designated Officer

When the relevant Designated Officer receives a report about suspected or actual child abuse, they should consider whether there are reasonable grounds for reporting it to the Health Service Executive (HSE). It may be helpful to discuss the matter with a professional, such as a social worker, who can assist in deciding whether or not to formally report concerns to the Health Service Executive.

This may involve:

- Clarifying or getting more information about the matter. Recording and treating the information as confidential;
- Where there is any doubt or uncertainty, consulting informally initially with a Health Professional or directly with the HSE Children and Family Services to hear its view of the situation;
(Appendix 7 lists the National Contacts for HSE Children and Family Services)
- Making a formal referral to the Health Service Executive or An Garda Síochána;
- Informing parents about making the referral unless this would endanger the child.

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally as future suspicions may lead to the decision to make a report and, in those circumstances, earlier suspicions may provide important information.

It is important to note that the ability of the HSE Children and Family Services and An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the quality and extent of the information reported to them.

4.4 Cases not Reported to the HSE or An Garda Síochána

In cases where the OPW decides not to report concerns to the HSE or An Garda Síochána, the individual staff member who raised the concern will be given a clear written statement of the reason why no action was taken.

Section 5 : An Allegation of Abuse against a Staff Member

When an allegation of abuse against a staff member is received, it should be assessed promptly and carefully by the OPW. Action taken in reporting an allegation of child abuse against a staff member should be based on an opinion formed 'reasonably and in good faith'. It will be necessary to decide whether a formal report should be made to the HSE Children and Family Services. This decision should be based on reasonable grounds for concern, as outlined in Appendix 5 of this policy document.

The first priority is to ensure that no child is exposed to unnecessary risk. The OPW should as a matter of urgency take any necessary protective measures (**Appendix 8**). The measures should be proportionate to the level of risk and should not unreasonably penalise the staff member, financially or otherwise, unless necessary to protect children. Where protective measures penalise the staff member, it is important that early consideration be given to the case.

The Personnel Officer and/or the Chairman should be informed about the allegation as soon as possible.

When the OPW becomes aware of an allegation of abuse of a child or children by a staff member during the execution of that staff member's duties, the OPW should privately inform the staff member of, (a) the fact that an allegation has been made against him or her and (b) the nature of the allegation.

The staff member should be afforded the opportunity to respond. The OPW should note the response and pass on this information if making a formal report to the HSE Children and Family Services.

The OPW should take care to ensure that action taken by it does not undermine or frustrate the investigations/assessments conducted by the HSE Children and Family Services or An Garda Síochána. The OPW will endeavour to maintain a close liaison with the statutory authorities to achieve this.

The OPW Chairman should be notified of the outcome of an investigation and/or assessment. This will facilitate a decision being reached about the action to be taken in the longer term concerning the staff member.

Malicious Claims : If it is found that a malicious claim has been made by a member of the public, the case will be referred to the necessary authorities or if such a claim is made by a staff member the OPW's disciplinary process will be invoked.

Section 6 : Recruitment, Garda Clearance and Training

6.1 Recruitment

To protect both children and staff, the OPW will ensure that the following procedures are followed:

6.1.1 Permanent OPW Staff

- For permanent established staff, the normal recruitment practice of the Civil Service will apply. This includes the staff member providing the names of two referees (not family members) who are contacted and obtaining Garda Clearance;
- For permanent industrial staff whose work will bring them directly into contact with children/young people, Garda Clearance will be sought by the OPW;
- All staff will be given a copy of this OPW Child Protection Policy and will be asked to sign a declaration (**Appendix 9**) certifying that they have read the policy, agree to abide by its contents and that there is no reason why they would be considered unsuitable for working with children/young people.

6.1.2 Staff on Short Term Contracts

- Where short term contracts for staff are awarded for particular pieces of work, a clear job description is developed outlining the responsibilities of the job and the reporting procedure;
- The applicant must supply the names of two referees (not family members). Referees may be contacted personally;
- For staff whose work will bring them directly into contact with children/young people, Garda Clearance will be sought by the OPW;
- Staff will be given a copy of this OPW Child Protection Policy and will be asked to sign a declaration (Appendix 9) certifying that they have read the policy, agree to abide by its contents and that there is no reason why they would be considered unsuitable for working with children/young people .

6.1.3 Staff and volunteers from another agency/organisation

- Staff/volunteers from another agency or organisation who have contact with children/young people during the course of their work in the OPW, will require Garda Clearance. If staff/volunteers have already obtained Garda Clearance through their

own organisation, in the previous 18 months, a letter from their organisation confirming this fact and a copy of the Garda Clearance should be forwarded to the OPW.

- Staff/volunteers from another agency/organisation facilitating an event for the OPW involving children/young people will be given the OPW Child Protection Policy and asked to sign the declaration (Appendix 9) certifying that they have read the policy, agree to abide by its contents and that there is no reason why they would be considered unsuitable for working with children/young people;

6.2 Garda Clearance – Interim Measures

OPW Garda Vetting Procedures are currently being established by the OPW and the Garda Central Vetting Unit (GCVU).

In the interim, all staff will receive a copy of this Child Protection Policy and are required to complete a Declaration Form at **Appendix 9** stating that they have read the policy, agree to abide by its contents and certify that there is no reason why they would be considered unsuitable for working with children/young people. Staff who do not sign and return the Declaration Form will be Garda Vetted.

All OPW permanent staff whose work brings them into direct contact with children/young people and who have not received Garda Clearance to date (Guides, Caretakers, etc.) will be included in the first phase of applications for Garda Vetting which will commence in the coming weeks.

6.3 Training

- Designated officers will be required to familiarise themselves with the standards of behaviour and procedures outlined in this Policy and if necessary undertake training in the area of Child Protection,
- Induction Training for new staff will include training on the OPW Child Protection Policy;
- Staff/volunteers whose duties bring them into contact with children will receive the appropriate level of training and/or guidance in the area of Child Protection as consistent with their role in the OPW.

Appendix 1 - Raising Awareness about Child Abuse

A1.1 What is Child Abuse

Child abuse occurs when the behaviour of someone in a position of greater power than a child causes the child harm. Because children can be abused in a number of ways, sometimes at the same time, it is not always easy to categorise it, but four broad definitions can be considered and may be briefly summarised as neglect, emotional abuse, physical abuse and sexual abuse.

How to Recognise Abuse

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child abuse:

- (a) considering the possibility,
- (b) looking out for signs of abuse,
- (c) recording of information.

(a) Considering the possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers.

(b) Looking out for signs of abuse

Signs of abuse can be physical, behavioural or developmental. They can exist in the relationship between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be believed.

Most signs of abuse are non-specific and must be considered in the child's social and family context. It is important to always be open to alternative explanations for physical or behavioural signs of abuse. Sometimes a specialist assessment may be required to clarify if particular concerns constitute abuse.

(c) Recording of Information

If abuse is suspected, it is important to establish the grounds for concern by obtaining as much detailed information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant.

A1.2 Main Categories of Child Abuse

(Children First: National Guidance for the Protection and Welfare of Children 2011)

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.

Definition of 'neglect'

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose ongoing failure to thrive or whose height is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation. The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her wellbeing and /or development are severely affected.

Definition of 'emotional abuse'

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Unless other forms of abuse are not present, it is rarely manifested in terms of physical signs or symptoms.

Examples of emotional abuse of children include:

- the imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviour or actions;
- emotional unavailability of the child's parent/ carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
- under or over protection of the child;
- failure of unreasonable or over harsh disciplinary measures
- exposure to domestic violence.
- exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

Definition of 'physical abuse'

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents:

Examples of behaviours that cause physical injury include;

- Shaking;
- Use of excessive force or handling;
- Deliberate poisoning;
- Suffocation;
- Fabricated/induced illness;
- Allowing or creating a substantial risk of significant harm to a child.

Possible indicators of this type of abuse:

- bruises;
- fractures;
- burns/scalds;
- abrasions.

Definition of 'sexual abuse'

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others.

Examples of child sexual abuse include:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child whether oral, vaginal or anal;
- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved on the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse;
- consensual sexual activity involving an adult and an underage person. In relation to

child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

Possible indicators of this type of abuse:

- age inappropriate understanding of sexual behaviour;
- inappropriate seductive behaviour;
- hints about sexual activity
- unusual reluctance to join in normal activities which involve undressing e.g. games/swimming.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and it is not intended to be a description of the of criminal offence of sexual assault.

(See Appendix 1 of the *Children First: National Guidance 2011* for further signs and symptoms of child abuse)

Appendix 2 - Procedures for Dealing with Lost/ Missing Children

A2.1 Where a Child is Lost/ Left unattended

If it is determined that a child is lost or left unattended at any OPW site, the following procedure will be adhered to by staff members:

- Reassure the child and endeavour to obtain as much information about the child as possible:
 - Name of Child;
 - Age of Child;
 - Address/ Name of School;
 - Physical description of Child (Height, colour of hair, clothing etc.);
 - Where the child was found.

- If anyone else is with the child, ask them to remain with you until the primary carer has been located. If you are on your own with the child ensure that you are in a public area where you can be seen or heard and enlist the assistance of at least one other staff member immediately.

- Make every effort to locate the primary carer by asking for assistance from other people in the area or using a paging system if this is available.

- If the child is not claimed, contact the Designated Officer who will then be responsible for initiating contact with An Garda Síochána.*

- Recorded in writing who found the lost child and give this record to the Designated Officer for retention.

A2.2 Where a Child is Reported Missing

- If someone reports that a child is missing, the following information will be obtained by the staff member who receives the report :
 - Name of Child;
 - Age of Child;
 - Address/ Name of School;
 - Physical Description of Child (height, colour of hair, clothing etc.);
 - Where the Child was last seen;
 - The time the child was last seen.

- All staff on site will be informed and a thorough check of all areas on site including bathrooms, offices and exits will be made.
- Once a sufficient check is made, if the child is not found, the Designated Officer will be informed immediately and will be responsible for initiating contact with An Garda Síochána.*
- A written statement of events will be recorded by the staff member who initially received the report of the missing child. This statement will be retained by the Designated Officer.

*** The welfare and protection of children is of paramount importance. If a child is left unattended or is missing on site and contact with the DO or the DDO cannot be made, then contact with An Garda Síochána can be made directly by the staff member concerned.**

Appendix 3 - List of Designated Officers and Deputy Designated Officers

A3.1 For Industrial Staff reporting a Child Protection Concern: Contact

Title	Name	Address
Designated Officer (DO)	Declan Forde Assistant Principal (046) 942 6575 (087) 267 1736 Declan.forde@opw.ie	Personnel & Development Unit, Office of Public Works HQ, Jonathan Swift Street, Trim, Co. Meath
Deputy Designated Officer (DDO)	Sean Boland Higher Executive Officer (046) 942 6680 Sean.boland@opw.ie	Personnel & Development Unit, Office of Public Works HQ, Jonathan Swift Street, Trim, Co. Meath

A3.2 For Established Staff reporting a Child Protection Concern: Contact

Title	Name	Address
Designated Officer (DO)	Margaret Taheny-Moore Assistant Principal Officer (046) 942 6661 Margaret.tahenymoore@opw.ie	Personnel & Development Unit, Office of Public Works HQ, Jonathan Swift Street, Trim, Co. Meath
Deputy Designated Officer (DDO)	Carolyn Kenny Higher Executive Officer (046) 942 6095 carolyn.kenny@opw.ie	Personnel & Development Unit, Office of Public Works HQ, Jonathan Swift Street, Trim, Co. Meath

Appendix 4 - Standard Report Form (Reporting a Child Protection and/or Welfare Concern to the HSE)

FORM NUMBER: CC01:01:00

STANDARD REPORT FORM

(For reporting CP&W Concerns to HSE)



A. To Principal Social Worker/Designate: _____

1. Date of Report

2. Details of Child

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

3. Details of Persons Reporting Concern(s)

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

4. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to the HSE?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

5. Details of Report

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

FORM NUMBER: CC01:01:00

STANDARD REPORT FORM

(For reporting CP&W Concerns to HSE)



6. Relationships

Details of Mother		Details of Father	
Name:		Name:	
Address: (if different to child)		Address: (if different to child)	
Telephone Nos.		Telephone Nos.	

7. Household composition

Name	Relationship	DOB	Additional information, e.g. school/occupation/other

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

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

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

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

10. Details of person completing form

Name:		Occupation:	
Signed		Date:	

Guidance Notes

The Health Service Executive (HSE) has a statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. The HSE therefore has an obligation to receive information about any child who is not receiving adequate care and/or protection.

This Report Form is for use by:

- Any professional, individual or group involved in services to children, including HSE personnel, who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported;
- Professionals and individuals in the provision of child care services in the community who have service contracts with the HSE;
- Designated persons in a voluntary or community agency.

Please fill in as much information and detail as is known to you. This will assist the Social Work Department in assessing the level of risk to the child or the support services required. If the information requested is not known to you, please indicate this by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

The HSE aims to work in partnership with parents. If you are making this report in confidence, you should note that the HSE cannot guarantee absolute confidentiality for the following reasons:

- A Court could order that information be disclosed.
- Under the Freedom of Information Act 1997, the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a 'bona fide report', you are protected under the Protections or Persons Reporting Child Abuse Act 1998. (*see Appendix 6*)

If you are unsure if you should report your concerns, please telephone the HSE duty social worker and discuss your concerns with them. (*see Appendix 7 for a full list of HSE offices nationwide*).

Appendix 5 - Reasonable Grounds for concern

The HSE Children and Family Services should always be informed when a person has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse.

The following examples would constitute reasonable grounds for concern:

- a specific indication from the child that he or she was abused;
- an account by a person who saw the child being abused;
- evidence, such as an injury or behaviour, that is consistent with abuse and unlikely to be caused in another way;
- an injury or behaviour that is consistent both with abuse and with an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse and/or dysfunctional behaviour;
- consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

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

However, these suspicions should be recorded or noted internally by the OPW as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for the HSE Children and Family Services or An Garda Síochána.

Appendix 6 - Protection for Persons Reporting Child Abuse

A6.1 Protection for Persons Reporting Child Abuse Act 1998

The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to the HSE or An Garda Síochána. This means that even if a reported suspicion of child abuse proves unfounded a plaintiff who took action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

This protection applies to organisations and to individuals. It is considered therefore that organisations should assume full responsibility for reporting suspected child abuse to the appropriate authorities. Reports to the HSE and to the Garda Síochána should be made as per the OPW's policy and guidelines.

Section 3 (1) of the Act states:

“3. (1) A person who apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that -

(a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or

(b) a child's health development or welfare has been or is being avoidably impaired or neglected,

unless it is proven that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person”.

Under Section 4 of the same Act no employee will be penalised for making a report of child abuse in good faith to the HSE or to the Garda Síochána.

A6.2 The Defence of Qualified Privilege

A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

The Common Law provides a defence, in particular circumstances, to individuals who make

verbal or written statements of a kind, which could expose their author to a claim of defamation if such statements were made in different circumstances. The defence exists in recognition of the fact that there are circumstances in which individuals have to be able to speak freely without fear of adverse legal consequences.

In general, the privilege covers situations where the maker of the statement has a duty to speak or is obliged to protect some interest. The duty in question does not have to be a strictly legal one: a moral or social duty to make a statement or report is sufficient. The recipient of the statement must have a corresponding duty to receive the statement. The defence only applies where the individual who makes the statement is not motivated by malice in making this statement.

In circumstances where an individual has a duty to speak and does so without malice, he can be assured that the defence of the qualified privilege will protect him from any defamation claim to which his statement could possibly give rise. The defence will apply, for example, when an employee reports to his line manager (or some specially designated person), his bona fide suspicion that a fellow employee may have committed an act of abuse in the course of the latter's employment.

Appendix 7 - National Contacts for HSE Children and Family Services

Also listed on HSE website (www.hse.ie/go/socialworkers) and from HSE LoCall Tel. 1850 241850. These contact numbers may be updated from time to time. Please check HSE website for latest information.

DUBLIN NORTH	Health Centre, Cromcastle, Coolock, Dublin 5	(01)816 4200 (01) 816 4244
DUBLIN NORTH CENTRAL	Social Work Office, 22 Mountjoy Square, Dublin 1 Social Work Office, Ballymun Health Centre, Dublin 11	(01) 877 2300 (01) 846 7236
DUBLIN NORTH WEST	Health Centre, Wellmount Park, Finglas, Dublin 11 Social Work Department, Rathdown Road, Dublin 7	(01) 856 7704 (01) 882 5000
DUBLIN SOUTH EAST	Social Work Department, Vergemount Hall, Clonskeagh, Dublin 6	(01) 268 0320 (01) 2680333
DUBLIN SOUTH CITY	Duty Social Work Carnegie Centre, 21-25 Lord Edward Street, Dublin 2 Public Health Nursing, 21-25 Lord Edward Street, Dublin 2 Family Support Service, 78B Church House, Donore Avenue, Dublin 8	(01) 648 6555 (01) 648 6730 (01) 416 4441
DUBLIN SOUTH WEST	Milbrook Lawn, Tallaght, Dublin 24	(01) 452 0666 (01) 427 5000
DUBLIN WEST	Social Work Department, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10	(01) 620 6387
DUBLIN SOUTH	Social Work Department, Our Lady's Clinic, Patrick Street, Dun Laoghaire, Co. Dublin	(01) 663 7300
CARLOW	Carlow Social Work Office, Ground Floor, St. Dymphna's Hospital, Athy Road, Co. Carlow	(059) 913 6587
CAVAN	HSE Community Child and Family Services, Drumalee Cross, Co. Cavan	(049) 437 7305 (049) 437 7306
CLARE	Clare Duty Social Worker, River House, Gort Road, Ennis, Co. Clare Social Work Department, Shannon Health Centre, Shannon, Co. Clare Social Work Department, Kilrush Health Centre, Kilrush, Co. Clare	(065) 686 3935 (Mon – Fri, 2pm – 5pm) (061) 718 400 (065) 905 4200
CORK	North Cork Social Work Department, 134 Bank Place, Mallow, Co. Cork North Lee Child Lee Social Work Department, (adjacent to Shopping Centre), Blackpool, Co. Cork South Lee Social Work Department, St. Finbarr's Hospital, Douglas Road, Cork West Cork Social Work Department, Coolnagarrane, Skibbereen, Co. Cork	(022) 54100 (021) 492 7000 (021) 492 3001 (028) 40447

DONEGAL	Links Business Centre, Lisfannon, Buncrana, Co. Donegal (East Team)	(074) 932 0420
	Euro House, Killybegs Road, Donegal, Co. Donegal (West Team)	(074) 972 3540
	Social Work Department, Millennium Court, Pearse Road, Letterkenny, Co. Donegal (East Central Team and West Central Team)	(074) 912 3672 (074) 912 3770
GALWAY	Galway City, Social Work Department, Local Health Office, 25 Newcastle Road, Galway, Co. Galway	(091) 546366
	Galway County, Tuam Social Work Department, Health Centre, Vicar Street, Tuam, Co. Galway	(093) 37200
	Loughrea Social Work Department, Health Centre, Loughrea, Co. Galway	(091) 847820
	Ballinasloe Social Work Department, Health Centre, Brackernagh, Ballinasloe, Co. Galway	(090) 964 6200
	Oughterard Social Work Department, Health Centre, Oughterard, Co. Galway	(091) 552200
KERRY	Social Work Department, HSE Community Services, Rathass, Tralee, Co. Kerry	(066) 712 1566
	Killarney Social Work Department, St. Margaret's Road, Killarney, Co. Kerry	(064) 663 6030
KILDARE	Social Work Department, St Mary's Craddockstown Road, Naas, Co. Kildare	(045) 873200 (045) 882 400
KILKENNY	Social Work Office – Child Care Department, Child Youth and Families, Carlow/Kilkenny, HSE South, St. Canice's Hospital, Dublin Road, Kilkenny, Co. Kilkenny	(056) 778 4057 (056) 778 4532
LIMERICK	Social Work Department, Ballynanty Health Centre, Ballynanty, Limerick (East Team), Co. Limerick	(061) 457 100
	Social Work Department Rixtown Health Centre, Rixtown Terrace, Old Clare Street, Limerick (East Team) , Co. Limerick	(061) 417 622 (061) 483 091
	Parkbeg Social Work Department, Parkbeg House, 2 Elm Drive, Caherdavin Lawns, Ennis Road, Limerick, Co. Limerick	(061) 206 820
	Social Work Department, Southill Health Centre, O'Malley Park, Southill, Limerick, Co. Limerick	(061) 209 985
	Newcastlewest Social Work Department, Newcastlewest Health Centre, Newcastle West, Co. Limerick.	(069) 62155
LAOIS	Social Work Department, Child and Family Centre, Portlaoise, Co. Laois	(057) 869 2567 (057) 869 2568
LEITRIM	Social Work Department, Community Care Office, Leitrim Road, Carrick on Shannon, Co. Leitrim	(071) 965 0324
LONGFORD	Social Work Department, Tivoli House, Dublin Road, Co. Longford	(043) 335 0584
LOUTH	Social Work Department, Local Health Care Unit, Wilton House, Stapleton Place, Dundalk, Co. Louth	(042) 939 2200
	Ballsgrrove Health Centre, Ballsgrrove, Drogheda, Co. Louth	(041) 983 8574 (041) 983 3163

MAYO	Ballina Social Work Team, Ballina Health Centre, Mercy Road, Ballina, Co. Mayo	(096) 21511 (096) 248 41
	Castlebar Social Work Team, St. Mary's Headquarters, Castlebar, Co. Mayo Swinford Social Work Team,	(094) 902 2283
	Swinford Health Centre, Aras Attracta, Swinford, Co. Mayo	(094) 905 0133
MEATH	Community Social Work Services, Enterprise Centre, Navan, Co. Meath	(046) 909 7817
	Community Social Work Services, Child and Family Centre, Navan, Co. Meath	(046) 907 8830
	Community Social Work Services, Dunshaughlin Health Care Unit, Dunshaughlin, Co. Meath	(01) 802 4102
MONAGHAN	Social Work Department, Local Health Care Unit, Rooskey, Co. Monaghan	(047) 30426 (047) 30427
OFFALY	Social Work Department, Derry Suite, Castlebuildings, Tara Street, Tullamore, Co. Offaly	(057) 937 0700
ROSCOMMON	Social Work Team, Abbeystown House, Abbey Street, Roscommon, Co. Roscommon	(090) 662 6732
	Social Work Team, Roscommon PCCC, Lanesboro' Road, Roscommon, Co. Roscommon (Roscommon Area)	(090) 663 7528 (090) 663 7529
	Social Work Team, Health Centre, Elphin Street, Boyle, Co. Roscommon (Boyle Area)	(071) 966 2087
	Social Work Team, New HSE Offices, Knockroe, Castlerea, Co. Roscommon (Castlerea Area)	(090) 663 7851 (090) 6637842
SLIGO	Sligo Town and surrounding areas: Markievicz House, Barrack Street, Sligo, Co. Sligo	(071) 915 5133
	South County Sligo: One Stop Shop, Teach Laighne, Humbert Street, Tubercurry, Co. Sligo	(071) 912 0062
NORTH TIPPERARY	North Tipperary Duty Social Work Team, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	(067) 46 636
	North Tipperary Child Protection Services: Social Work Department, Annbrook, Nenagh, Co. Tipperary	(067) 41 934
	St. Mary's Health Centre, Parnell Street, Thurles, Co. Tipperary	(0504) 24 609
SOUTH TIPPERARY	South Tipperary Child Protection Services: Social Work Team, South Tipperary	(052) 617 7302
	Community Care Services, Western Road, Clonmel, Co. Tipperary	(052) 617 7303
WATERFORD	Waterford: Social Work Service, Waterford Community Services, Cork Road, Co. Waterford	(051) 842827
	Dungarvan and surrounding areas: Social Work Department, Dungarvan Community Services, St. Joseph's Hospital, Dungarvan, Co. Waterford	(058) 20906
WESTMEATH	Social Work Department, Athlone Health Centre, Coosan Road, Athlone, Co. Westmeath	(090) 648 3106

	Social Work Department, Child and Family Centre, St. Loman's, Springfield, Mullingar, Co. Westmeath	(044) 934 4877
WEXFORD	Gorey Health Centre, Hospital Grounds, Gorey, Co. Wexford	(053) 943 0100
	Enniscorthy Health Centre, Millpark Road, Enniscorthy, Co. Wexford	(053) 923 3465
	New Ross Health Centre, Hospital Grounds, New Ross, Co. Wexford	Contact through Ely House below
	Social Work Department, Ely House, Ferrybank, Co. Wexford	(053) 912 3522 Ext. 201
WICKLOW	Social Work Department, HSE Glenside Road, Wicklow Town, Co. Wicklow	(0404) 60800
	Bray: Social Work Department, The Civic Centre, Main Street, Bray, Co. Wicklow	(01) 274 4180 (01) 274 4100
	Delgany: Social Work Department, Delgany Health Centre, Delgany, Co. Wicklow	(01) 287 1482

Appendix 8 - Allegation against Staff Member : Protective Measures

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

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

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

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

Appendix 9 - Staff Declaration Form

Declaration from all staff and volunteers working in the OPW and particularly those who have access to children during the course of their duties

Name (block capitals) : _____

Date of Birth : _____

Address: _____

Telephone Number : _____

I have read the Office of Public Works Child Protection Policy and agree to abide by its contents

Signature : _____

Date : _____

I declare that there is no reason why I would be considered unsuitable to work with children or young people.

Signature : _____

Date : _____

Please return signed Declaration Form to :

Cathriona Cooney, Policy Unit, OPW HQ, Jonathan Swift Street, Trim, Co. Meath,

For Queries : tel no. 046 942 6028, fax no. 046 943 8457. email : cathriona.cooney@opw.ie