Centre for Talented Youth, Ireland (CTYI) is an organisation which runs programmes for high ability young people, aged 6 to 17. CTYI recognises that child protection and welfare considerations permeate all aspects of the organisation. As a unit of Dublin City University, all CTYI employees are University staff members and subject to the University child protection policies. DCU’s Child Protection Protocol, and associated information, are provided on this section of the website (https://www.dcu.ie/ocoo/child-protection-unit).

The CTYI Child Safeguarding Statement sets out the guiding principles when reporting child protection concerns. All child protection concerns regarding CTYI should be routed through the CTYI Designated Liaison Person (DLP), who will consult with the university DLP where necessary. It is the DLP who has responsibility for making reports to TUSLA, An Garda Síochána and any other external agencies. The DLP for CTYI is Dr. Orla Dunne.

# Risk Assessment

CTYI has undertaken a risk assessment in which it has assessed potential harm to

children while availing of the services provided by the University and the list of procedures

for managing these risks.

# Procedures

This statement has been developed in line with requirements under the 2015 Act and the 2017 Guidance. In addition to the organisation’s risk management process, the following procedures support the organisation’s intention to safeguard children while they are availing of its services.

## Procedure for the management of allegations of abuse or misconduct against CTYI staff members.

As per the University’s guidelines, If an allegation is made against a CTYI staff member in regards to a child attending a programme, action will be guided by the 2015 Act, the 2017 Guidance, the agreed procedures and the rules of natural justice.

The DLP shall be informed as soon as possible.

The first priority should be to ensure that no child is exposed to unnecessary risk. The DLP

shall, as a matter of urgency, refer the matter to the CTYI Director and DCU Human Resources who may take any necessary protective measures, including, where necessary, immediately placing the staff member on administrative leave. These measures should be proportionate to the level of risk and should not unduly penalise the staff member, financially or otherwise, unless necessary to protect children.

Any allegation must be dealt with sensitively and the staff member treated fairly. This includes the right not to be judged in advance of a full and fair enquiry. The DLP will advise

the Director of HR, who should advise the person against whom the allegation of child abuse

is being made of the following:

* the fact that an allegation has been made against them; and
* the available details of the nature of the allegation.

A follow up of allegations of abuse against a CTYI staff member should be made in consultation with Tusla and/or An Garda Síochána. Immediate contact should be made with these two agencies for that purpose. It is important to note that if an allegation is made against a CTYI staff member, there are two procedures to be followed:

* the relevant HR procedures applicable to the University member; and
* reporting the allegation in accordance with sections 8.3 and 8.4 of this CSS, to Tusla and An Garda Síochána.

In general, the same person should not have the responsibility of dealing with both

procedures. The DLP (Note 2) is responsible for reporting the matter to Tusla and/or An Garda Síochána, while the Director of Human Resources or their nominee is responsible for addressing the relevant procedural issues applicable in respect of a staff member.

## Procedure for the safe recruitment and selection of staff and volunteers to work with children.

CTYI:

* appoints appropriately qualified/experienced interview boards;
* uses standard forms and agreed recruitment procedures;
* requires appropriate qualifications/experience from applicants;
* issues job/role description for each post that describes the broad range of duties the role will involve;
* ensures that prospective candidates working with children undergo a process which normally includes a formal interview; checks successful applicant’s references, qualifications, experience, suitability to work with children; and
* undertakes vetting of current and prospective employees and volunteers in accordance with the National Vetting Bureau (Children & Vulnerable Persons) Act 2012 (as amended).

## Procedure for the provision of and access to child safeguarding training and information, including the identification of the occurrence of harm

CTYI:

* has made a copy of this CSS available, via the CTYI website, to every CTYI staff member;
* ensures that all new staff are provided with a copy of this CSS;
* provides briefing sessions, in order to ensure that staff members have the necessary familiarity with:
	+ the 2015 Act, the 2017 Guidance and this CSS;
	+ their statutory obligations;
	+ the procedures in place to inform and instruct senior CTYI staff members in relation to the identification of child protection concerns;
	+ providing children’s activities in keeping with best practice; and
	+ providing confident responses to child protection issues.

## Procedure for the reporting of child protection or welfare concerns to Tusla

* This must be done in accordance with the provisions of this CSS.

*Access to Procedures*

The overall DCU Child Protection Procedures document can be accessed at this [link](https://www.dcu.ie/ocoo/child-protection-unit).

#

# Reporting Framework

## Guiding Principles

The guiding principles on reporting child abuse or neglect may be summarised as follows:

* The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made; and
* Reports should be made immediately to Tusla in accordance with this CSS.

Child abuse can be categorised into four different types:

1. Neglect
2. Emotional abuse
3. Physical abuse
4. 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, it is a child

welfare and protection issue for both children and child protection procedures should be followed 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.

Please refer to Appendix 1 of this CSS for further information on recognising the signs and

symptoms of child abuse/neglect.

## Mandated and Non-Mandated Reporting

There are two instances of reporting to Tusla:

* Mandated reporting; and
* Non-mandated reporting/Reporting of reasonable concerns.

Where CTYI staff members, know, believe or have reasonable grounds to suspect that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, they shall without delay report this to the DLP.

When such a report is made to the DLP, s/he should consider whether this is a mandated or

non-mandated concern.

## Mandated Reporting

In accordance with section 14 of the 2015 Act, where an MP knows, believes or has reasonable grounds to suspect, on the basis of information that they have received, acquired

or become aware of in the course of their employment or profession as such a mandated

person, that a child has been harmed, is being harmed, or is at risk of being harmed; they shall as soon as practicable, report that knowledge, belief or suspicion to the DLP, who will report this to TUSLA.

Where a child believes that they have been harmed, is being harmed, or is at risk of being harmed and discloses that belief to an MP in the course of the MP’s employment or profession, the MP shall report that disclosure to to the DLP, who will report this to TUSLA.

Where an MP has the knowledge, belief or suspicion outlined at 1. above and/or receives a

disclosure from a child in accordance with 2. above, they shall without delay, report this to

the DLP.

Where the DLP and the MP both agree that there are reasonable grounds for concern, the DLP and MP must jointly consider whether the concern in question is at or above the defined

threshold of harm at which point a report must be submitted as a mandated report to Tusla.

Where the DLP and/or the MP are unsure whether the concern meets the threshold for

making a mandated report, the DLP shall seek advice from Tusla. The DLP shall inform the MP concerned that such advice is being sought and shall inform the MP of the advice once same has been provided.

Where Tusla advises that a mandated report should be made, the DLP and the MP shall act

on that advice and a mandated report shall be submitted to Tusla jointly by the DLP and MP

as soon as practicable.

Where a mandated concern requires urgent intervention to make the child safe, section 14(7) of the 2015 Act allows the DLP/MP to alert Tusla of the concern in advance of submitting a written report. Subsequently, the MP and the DLP must jointly submit a mandated report to Tusla within three days.

Where the DLP does not believe the concern satisfies the threshold of harm sufficient to

submit a mandatory report, they should inform the MP in writing that if they remain

concerned, the MP may submit a mandated report to Tusla. In these circumstances, the MP

must furnish the DLP with a copy of the mandated report s/he provided to Tusla and inform the DLP of any advice, information and/or documentation they receive from Tusla in relation

to the report.

The thresholds of harm for each category of abuse at which MPs have a legal harm obligation to make mandated reports are as follows:

1. Neglect

The threshold of harm at which an MP must make a mandated report to Tusla is

reached when s/he knows, believes or has reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

1. Emotional Abuse/Ill-Treatment

The threshold of harm, at which an MP must made a mandated report to Tusla is

reached when they know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

1. Physical Abuse

The threshold of harm, at which an MP must make a mandated report to Tusla is

reached when they know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

1. Sexual Abuse

A threshold does not apply as all sexual abuse falls within the category of seriously

affecting a child’s health, welfare or development. If an MP knows, believes or has

reasonable grounds to suspect that a child has been, is being, or is at risk of being

sexually abused, then the MP must make a mandated report to Tusla. Sexual abuse is an offence against the child as specified in Schedule 3 of the 2015 Act.

There is one exception to the requirement to report sexual abuse i.e. certain consensual sexual activity between teenagers, as provided for in the 2015 Act.

*No obligation to submit a mandated report*

There is no obligation to make a mandated report where:

* the concern relates to consensual sexual activity as defined in section 14(3) of the 2015 Act;
* the sole basis for the MP’s knowledge, belief or suspicion of is as a result of information they have acquired, received or become aware of from:
	+ Another MP, who has made a report to Tusla; or
	+ A person, other than an MP, who has reported jointly with an MP to Tusla, unless an MP becomes aware of any additional information, in which case a further report should be made to Tusla;
* information was received by the MP pursuant to his or her role in assisting Tusla with an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed; or
* information is acquired by an MP outside the course of his/her professional work or employment on the basis of a personal rather than a professional relationship.

The foregoing exemptions do not apply to a disclosure made by a child to an MP.

*Failure to make a mandated report*

MPs should be aware of the administrative actions that Tusla can take if, after an

investigation, it emerges that an MP failed to make a mandated report. Tusla may:

* Make a complaint to the Fitness to Practise Committee of a regulatory body of which the MP in question is a member; or
* Pass information about the MP’s failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could then be disclosed to an MP’s current or future employers when they are next vetted.

CTYI and the University at large will treat a failure to make a mandated report as a disciplinary matter. Administrative actions may include (but are not restricted to) the initiation of steps for implementation of the Dublin City University disciplinary procedures under Dublin City University Statute No. 5 of 2010: ‘Suspension and Dismissal of Employees’ leading to demotion or dismissal (relevant to CTYI employees only).

In addition, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about an offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report is a criminal offence.

An MP cannot submit a mandated report anonymously.

*Seeking informal advice from Tusla*

Where the DLP and/or an MP is concerned about a child but is unsure whether to report the

concern to Tusla, or whether a report should be submitted to Tusla as a mandated report, the DLP shall seek advice from Tusla.

In consulting Tusla, the DLP shall be explicit that they are requesting advice and consultation and that they are not making a report. At this informal stage, the DLP need not give identifying details.

It should be noted that if the concern was brought to the attention of the DLP by an MP, the DLP shall inform the MP that Tusla’s advice is being sought and shall inform the MP of the

advice when received.

If Tusla advise that a report should be made to it, the DLP should act on that advice.

In all cases where the DLP has sought the advice of Tusla, the DLP shall retain a record of the consultation which will note the date, the name of the Tusla official and the advice given.

*Where the DLP does not report the matter to Tusla*

If the DLP decides not to report a matter to Tusla, the matter should still be recorded or noted internally by the DLP.

If the DLP decides not to report a concern to Tusla, the following steps should be taken:

* The reasons for not reporting should be recorded;
* Any actions taken as a result of the concern should be recorded;
* The DLP must provide the employee/volunteer with a clear written explanation of the reason why the DLP decided not to report;
* The DLP must inform the employee or volunteer who raised the concern that it is open to them to seek informal advice from Tusla and/or to report their concern where they still consider that such a report is warranted and/or report the matter to An Garda Síochána; and
* In such circumstances the MP must provide a copy of the report to the DLP.

*Disclosure of suspected child abuse by a child to a CTYI Staff Member*

If a complaint of abuse is disclosed directly from a child to a CTYI staff member, the child is

likely to be under severe emotional stress and the staff member may be the only adult whom the child is prepared to trust. Great care should be taken not to damage trust and deal with disclosures sensitively and professionally.

The following approach is suggested as best practice for dealing with these disclosures.

1. React calmly
2. Listen carefully and attentively
3. Take the child seriously
4. Reassure the child that they have taken the right action in talking to you
5. Do not promise to keep anything secret
6. Ask questions for clarification only
7. Do not ask leading questions
8. Check back with the child that what you have heard is correct and understood
9. Do not express any opinions about the alleged abuser
10. Ensure that the child understands the procedures that will follow
11. Make a written record of the conversation as soon as possible, in as much detail as possible, using the actual words that the child used
12. Treat the information confidentially, subject to the requirements of this CSS legislation and the 2017 Guidance.
13. If child abuse is suspected, or an allegation is made, the staff member should:
	1. insofar as is appropriate gather information;
	2. record the conversation (in the words of the child) and their observations accurately. The observations should include dates, times, names, locations, context and any other information that may be relevant;
	3. inform the DLP as soon as possible; and
	4. the University member should not interview the child or the child’s parents/carer about the alleged abuse, as this is the function of Tusla and/or An Garda Síochána.The role of the University member is not to investigate.

## Disclosure of suspected child abuse by a third party to a CTYI Staff Member

If a complaint is made to a CTYI staff member from either another University member or a

third party, to the effect that there is reasonable suspicion that abuse or neglect is alleged to

have taken place against a child, the staff member should:

* direct the person to the DLP to report the concern; or
* report the concern to the DLP themself.

If the disclosure is made to an MP, they may have a statutory obligation to report to Tusla,

this should be done in accordance with this CSS.

*Retrospective disclosure of child abuse by an adult*

Some adults may disclose abuse that took place during their childhood. Such a disclosure may require mandated reporting as set out above. In accordance with professional obligations, an MP will endeavour to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

Any reasonable concern about past abuse, where the information came to attention before

the 2015 Act came into force and where there is a possible continuing risk to children, should be reported in accordance with the non-mandated reporting procedures outlined in this CSS.

If a CTYI staff member makes a disclosure of abuse suffered during their childhood, the

person to whom they have made the disclosure should provide them with contact

information for relevant University support services; a student should be provided with

contact details for Student Health/Counselling services. As DCU staff member, CTYI staff can also access the Employee Assistance Programme (EAP) service.

Reports in relation to retrospective abuse can be made by submitting a report to Tusla.

*Protection from Civil Liability*

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

*Research Activities involving children – Best Practice*

Guidance on undertaking research with children is provided in the published Department of

Children and Youth Affairs National Strategy for Research and Data on Children’s Lives 2011- 2016, Ethical Review and Children’s Research in Ireland (2010) and in the associated guidance document ‘Guidance for developing ethical research projects involving children‘ (2012).

Research involving children must comply with the above documents (as updated, replaced

and/or amended from time to time) and be approved in advance by the University’s Research Ethics Committee. General information on research ethics applications can be obtained from the [University Research Ethics Committee website](https://www.dcu.ie/researchsupport/research-ethics).

# Confidentiality & Record Keeping

## Sharing of Information

No undertakings regarding secrecy can be given by any CTYI staff member to the person

reporting an allegation of child abuse, be they an adult or a child. This should be made clear

to all parties involved, although reassurances can be given that all information will be handled with sensitivity, taking full account of legal requirements.

All information regarding concerns of child abuse or neglect should be shared on a “need to

know” basis only i.e. with personnel who have a legitimate involvement or role in dealing with

the issue. Giving information reasonably and in good faith to those who need to have the

information for the protection of a child who may have been or is in danger of being abused

(including the DLP, Tusla or An Garda Síochána) is not a breach of confidentiality or data

protection laws.

At all stages in the process (disclosure, reporting and dealing with an abuse allegation),

confidentiality is of extreme importance. Statements, letters and other communications shall

be confidential to those involved as per the procedure outlined in this CSS.

## Management of records

All records of allegations in relation to child protection issues, which are made to a CTYI staff

member, should be regarded as highly confidential and should be provided to the DLP and

stored in a secure location, in keeping with Data Protection requirements.

*Record Keeping/Recording Allegations*

Where there is an allegation of child abuse or neglect, the DLP shall keep proper dated and

signed records. All records are highly confidential and it is the responsibility of the DLP to

ensure that these are kept securely.

Details of allegations and reports of alleged incidents of abuse must be recorded. The records include:

* the date and time of disclosure;
* details of the allegation;
* details of what action the organisation has taken;
* an indication of the parties involved (including third parties) including names and addresses;
* any suspicions consequent on the information and the factual grounds for such
* suspicions;
* the response of the parents/guardians to the information (if any);
* the response of the person against whom the allegations were made (if any);
* the report from the University staff member who received the information or who has concerns;
* where a decision is made not to inform the parents/guardians, the reason for the decision and the advice received from Tusla;
* details (dates, times, people, place) of any subsequent meetings and communications of interested parties; and
* decisions re referral (or not) to Tusla, or An Garda Síochána including how, why, when and by whom the decision was taken.

# Other Considerations

*Informing The Child’s Parent(s)/Guardian(s) That A Report Is Being Made*

The 2017 Guidance outlines that it is good practice to inform the parent/carer that a report

concerning their child is being made and the reasons for the decision to make the report. It is not necessary to inform a parent/carer that a report is being made:

* if by doing so, the child will be placed at further risk; or
* in cases where the family’s knowledge of the report could impair Tusla’s ability to carry out a risk assessment; or
* if the reporter is of the reasonable opinion that by doing so it may place them at risk of harm from the family.

Accordingly, when the DLP is submitting a report to Tusla, they should inform a parent/carer that a report is being made and the reasons for the decision to report except where any of the conditions above apply. In any case, where an MP is submitting a report to Tusla, the DLP, rather than the MP concerned, shall assume the responsibility for informing the parent/carer.

A record shall be made of the information communicated by the DLP to the parent/carer. A

decision by the DLP not to inform a parent/carer shall be recorded together with the reasons

for not doing so.

Where the DLP has any doubt as to whether to inform a parent/carer that a report is being

made, the DLP shall seek the advice of Tusla.

# Implementation & Review

CTYI is committed to the implementation of this CSS, which supports our intention to keep children safe from harm while availing of our services. This CSS will be reviewed on an annual basis, or as soon as practicable after there has been a material change in any matter to which the statement refers.

#

# Conclusion

We recognise that implementation is an ongoing process. Our service is committed to the

implementation of this Child Safeguarding Statement and the procedures that support our

intention to keep children safe from harm while availing of our service.

# Useful Contact Numbers

CTYI and DCU Internal Contacts

|  |  |  |
| --- | --- | --- |
| CTYI Designated Liaison Person (DLP) | Dr. Colm O’Reilly | colm.oreilly@dcu.ie01-7005634 |
| DCU Designated Liaison Person | Dr. Declan RafteryChief Operations Officer | child.protection@dcu.ie017007476 |
|  |  |  |

TUSLA Contact

Child and Family Agency

180-189 Lakeshore Drive

Airside Business Park

Swords

Co. Dublin

Ph.: 01 870 8000

An Gardaí Síochana

Relevant Garda Siochána station to be based on the actual location of the children “at risk”.