



Arts Centre

SOUTH TIPPERARY

Child Protection Policy  
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# Child Protection Policy

## South Tipperary Arts Centre

The South Tipperary Arts Centre's Child Protection Policy is comprised of the following sections

- 1. Policy Statement**
- 2. Code of Practice**
- 3. Designated Child Protection Person**
- 4. Procedure for reporting concerns**
- 5. Definitions of abuse**
- 6. Recruitment and Selection Procedures**
- 7. Responding Appropriately to a child**

### **1. Child Protection Policy Statement**

The South Tipperary Arts Centre acknowledges it has a responsibility for the safety of children involved in arts projects, attending classes or otherwise under its temporary care. It also recognises that good child protection policies and procedures are of benefit to everyone involved with the Arts Centre's work, including staff, as they can help protect them from erroneous or malicious allegations. The South Tipperary Arts Centre is committed to practices which protect children from harm. For the purpose of this policy, the Arts Centre's staff includes not only its full-time employees but part time staff, artists and tutors. All staff and volunteers who have access to, or contact with children during the course of their work are required to

- recognise and accept their responsibilities
- develop awareness of the issues which can cause children harm
- report concerns following the procedure below

The South Tipperary Arts Centre will endeavour to safeguard children by:

- a) adopting child protection procedures and a code of practice for all who work on behalf of the organisation;
- b) reporting concerns to the authorities;
- c) following carefully procedures for recruitment and selection of staff, and volunteers;
- d) providing effective management for staff, and volunteers through
- e) support and training.

The South Tipperary Arts Centre is committed to reviewing its Child Protection Policy and code of practice at regular intervals.

It is the South Tipperary Arts Centre's Policy that:

1. All staff working on behalf of the Centre accept responsibility for the welfare of children who come into contact with the centre in connection with its tasks and functions, and that they will report any concerns about a child or somebody else's behaviour, using the procedures laid down.
2. There is a designated child protection person(s) within the organisation who will take action following any expression of concern, and the lines of responsibility in respect of child protection are clear.
3. Designated child protection person(s) know how to make appropriate referrals to child protection agencies.
4. All those who are in contact with children on behalf of the South Tipperary Arts Centre should adhere to the code of practice in relation to children.
5. Information relating to any allegation or disclosure will be clearly recorded as soon as possible, and there is a procedure setting out who should record information and who should pass it on.
6. The National Guidelines for the Protection and Welfare of Children states that the "welfare of the child is paramount" this means that considerations of confidentiality which might apply to other situations should not be allowed to over-ride the right of children to be protected from harm. However, every effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated by the relevant body and a parent referral made.
7. The Arts Centre's policy on duty of care to children will be referred to or included in recruitment, training, and the policies are openly and widely available to staff and actively promoted within the organisation.
8. A culture of mutual respect between children and those who represent the Arts Centre in all its activities will be encouraged, with adults modelling good practice in this context.
9. It is part of the Arts Centre's acceptance of its responsibility of duty of care towards children that anybody who encounters child protection concerns in the context of their work on behalf of the Centre will be supported when they report their concerns in good faith.

## **2. Code of Practice**

The South Tipperary Arts Centre expects that all staff, which for these purposes includes anybody in paid or unpaid work on its behalf, will be aware of this Code of Practice and adhere to its principles in their approach to all children. The South Tipperary Arts Centre adopts a stance that all abuse against children is unacceptable.

1. All classes, tutorials, assessments, examinations should be as open as possible, and it is important that no more time should be spent alone with children than is necessary.
2. It is important not to have physical contact with children and this should be avoided.
3. It is not good practice to take children alone in a car on journeys, however short.
4. Do not make suggestive or inappropriate remarks to or about a child, even in fun as this could be misinterpreted.
5. It is important not to deter children from making a disclosure of abuse through fear of not being believed, and to listen to what they have to say. If this gives rise to a child protection concern it is important to follow the Arts Centre's procedure for reporting such concerns, and not to attempt to investigate the concern yourself.
6. Remember that those who abuse children can be of any age (even other children), gender, ethnic background or class, and it is important not to allow personal preconceptions about people to prevent appropriate action taking place.
7. Good practice includes valuing and respecting children as individuals, and the adult modelling of appropriate conduct will always exclude bullying, shouting, racism, sectarianism or sexism.

### **3. Designated Child Protection Person (DCPP)**

The South Tipperary Arts Centre has appointed a designated child protection person who is responsible for dealing with any concerns about the protection of children. This person is the Arts Centre Administrator Darren Powell, contactable by telephone on 052 27877 / or mobile 086 162 8303. If the (DCPP) cannot be reached, contact Classes Liaison Sally Fennessy on 086 880 0704

The role of the designated person(s) is to:

1. know which outside child protection agency to contact in the event of a child protection concern happening;
2. provide information and advice on child protection to board members and staff of the Arts Centre;
3. ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing under confidential cover;
4. liaise with the Health Board and other agencies, as appropriate;

5. keep relevant people in the Arts Centre informed about any action taken and any further action required;
6. ensure that a proper record is kept of any referral and action taken, and that this is kept safely and in confidence;
7. advise the board of child protection needs; and
8. liaise with the Health Board to review the operation of the Child Protection Policy regularly to ensure the procedures are working and that it complies with current best practice.

#### **4. Procedure for Reporting Concerns**

Staff could have their suspicion raised in a number of ways, the most likely of which are:

1. the conduct of a member of staff;
2. a child “disclosing” abuse;
3. bruising or evidence of physical hurt; which may or may not be accompanied by;
4. unusual behaviour by a child.

If a member of staff has such concerns they should be reported to the DCPD using the form available for this purpose.

Concerns about a specific child should be reported immediately by telephone to the DCPD and confirmed in writing within 24 hours using the form available from the DCPD. Delay could prejudice the welfare of a child. If the concerns relate to the conduct of a member of staff these should be reported by phone to the DCPD at the earliest opportunity.

The DCPD will consider the report and either refer this immediately to the authorities or, after taking appropriate advice (which may include discussing the circumstances on a confidential basis with the Health Board), decide not to refer the concerns to the authorities but keep a full record of the concerns.

#### **5. Definitions of Abuse**

##### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. It may be the result of a deliberate act, but could also be caused through omission or failure to act to protect.

### **Emotional Abuse**

Emotional abuse is the persistent ill- treatment of a child or young person such as to cause severe and persistent adverse effects on the child's emotional development. It may involve making a child feel or believe that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Some level of emotional abuse is involved in all types of ill- treatment of a child, though it may occur alone.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of, or consents to, what is happening. It may involve physical contact, including rape or oral sex, or non-penetrative acts such as fondling. Boys and girls can be sexually abused by males and/or females and by other young people. It also includes non-contact activities such as involving children in watching or taking part in pornographic material, or encouraging children to behave in inappropriate ways.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/ or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve failing to provide adequate food, shelter and clothing, or failing to ensure that a child gets appropriate medical care or treatment.

## **6. Recruitment and Selection Procedures**

Appropriate recruitment and selection procedures for staff in the context of child protection in line with recommendations by the Department of Health and Children have been adopted by the South Tipperary Arts Centre and include the following;

1. Clear definition of the role of employees or volunteers
2. Application Form:
3. Declaration
4. Interview
5. Documentary evidence of qualifications

6. Written references
7. Garda Clearance

## **7. Responding Appropriately to a Child Making an Allegation of Abuse**

1. Stay calm.
2. Listen carefully to what is said.
3. Find an early opportunity to explain that it is likely that the information will need to be shared with others - do not promise to keep secrets.
4. Tell the child the matter will only be disclosed to those who need to know about it.
5. Allow the child to continue at her/his own pace.
6. Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer
7. Reassure the child that they have done the right thing in telling you.
8. Tell them what you will do next and with whom the information will be shared.
9. Record in writing what was said, using the child's own words as soon as possible - note the date, time, any names mentioned, to whom the information was given and ensure that the record is signed and dated.
10. It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. That is a task for the professional child protection agencies, following a referral from the designated child protection person.

# **Addendum**

# South Tipperary Arts Centre (draft) Policy of Protecting Vulnerable Adults

## Safeguarding Vulnerable Adults

Currently, there are no national guidelines in the Republic of Ireland in relation to vulnerable adult abuse similar those that are available in relation to protection of children and young people (Children First). Nor is there a specific classification of crime in terms of age. Incidents of physical and sexual assault, fraud and financial exploitation are crimes and should be reported to the Gardaí. In the case of Sexual Offences involving people with disabilities, specific provision is contained in Section 5 of the Criminal Law (Sexual Offences) Act 1993. Ireland is a signatory to the UN Convention on the Rights of Persons with Disabilities.

Abuse of vulnerable adults can constitute the physical, psychological, emotional, financial or sexual maltreatment or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time, it may take one form or a multiple of forms. The lack of appropriate action can also be a form of abuse.

## Key principles in vulnerable adult protection and welfare

- Citizenship confers a status on an individual whereby their fundamental right to dignity and respect and other basic human rights as well as their rights to participation in society are upheld and supported by the Constitution, by Ireland's human rights treaty commitments and by the laws of the State.
- Person centredness is that principle which places the person as an individual at the heart and centre of any exchange requiring the provision or delivery of a service. Services are organised around what is important to the person from his / her perspective.
- Empowerment is that principle which recognises the right of the individual to lead as independent a life as possible and that supports the individual in every practical way to realise that right.
- Self directedness recognises the right of the individual to self-determination to the greatest extent possible including where this entails risk. Abiding by this principle means ensuring that risks are recognized, understood and minimised as far as possible, while supporting the person to pursue their goals and preferences.
- In accordance with the principles set out in this policy, it is recognised that adults have the right to self-determination and to make decisions, even if this means that they remain at risk. Where there are concerns regarding diminished capacity, consideration should be given to requesting a specialist assessment of the person's decision-making capacity in the context of the abuse allegations and the risk posed to the person.



- Equity should be applied in relation to transactions with and services to vulnerable adults. Resources and services should be provided to vulnerable people on the basis of need, using the principle of proportionality.

- Safeguarding best interest recognises the vulnerability of individuals where they are unable to make their own decisions and / or protect themselves, their assets or their bodily integrity and ensures appropriate and accountable protection for them.

### **Definition of a vulnerable adult**

A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves, or protect themselves from harm or from being exploited. This may be because they have a disability (either mental health, intellectual or physical), a sensory impairment, are old and frail, or have some other form of illness.

### **Definition of a vulnerable person for the purposes of Garda vetting**

The Garda Vetting Bureau (children and vulnerable persons) Act 2012 defines a vulnerable person as a person, other than a child, who

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability, which is of such a nature or degree—
  - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

**Vulnerable adult abuse** is any mistreatment that violates a person's human and civil rights. The abuse can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

A vulnerable adult may be subjected to more than one form of abuse at any given time.

**Physical abuse** such as hitting, pushing, pinching, shaking, misusing medication, scalding, restraint, hair pulling.

**Sexual abuse** such as rape, sexual assault, or sexual acts to which the vulnerable adult has not or could not have consented, or to which they were pressurised into consenting.

**Psychological or emotional abuse** such as threats of harm or abandonment, being deprived of social or any other form of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, being prevented from receiving services or support.

**Financial or material abuse** such as theft, fraud or exploitation, pressure in connection with wills, property, or inheritance, misuse of property, possessions or benefits **neglect** such as ignoring

medical or physical care needs and preventing access to health, social care or educational services or withholding the necessities of life such as food, drink and heating.

**Discriminatory abuse** such as that based on race or sexuality or a person's disability and other forms of harassment or slurs.

**Institutional abuse** can sometimes happen in residential homes, nursing homes, hostels, holiday centres or hospitals when people are mistreated because of poor or inadequate care, neglect and poor practice that affects the whole of that service.

**Domestic abuse** refers to the use of physical or emotional force or threat of physical force, including sexual violence in close adult relationships. This includes violence perpetrated by a spouse, partner, son or daughter or any other person who has a close or blood relationship with the victim. The term 'domestic violence' goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other potential sources of support; threats to others including children; stalking; and control over access to money, personal items, food, transportation and the telephone.

### **Elder Abuse**

Elder Abuse is defined as "A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights."<sup>2</sup> 65 years of age is taken as the point beyond which abuse may be considered to be elder abuse. Concerns in relation to elder abuse should be reported to the relevant Public Health Nurse or to the HSE Senior Case Worker for the Protection of Older People.

### **Responding to and reporting vulnerable adult protection concerns**

If you are concerned about the protection or welfare of a vulnerable adult, contact the Designated Liaison Person. It is recognised that adults have the right to self-determination and to make decisions, even if this means that they remain at risk. Where there are concerns regarding diminished capacity, consideration should be given to requesting a specialist assessment of the person's decision making capacity in the context of the abuse allegations and the risk posed to the person.

When the Designated Liaison Person receives a report about suspected or actual abuse, they should consider the wishes of the vulnerable adult and if there are reasonable grounds for reporting to the Statutory Authorities. This will mean:

- Clarifying or getting more information about the matter;
- Consulting with the vulnerable adult to hear his/her wishes etc;
- Where there is any doubt or uncertainty, consulting with the Statutory Authorities to obtain their advice on the situation;
- Where there are concerns about the diminished capacity of the vulnerable adult, considering assessment of decision making capacity in the context of the abuse allegations and the risk posed to the person;
- Making a formal referral to the Statutory Authorities

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 will be recorded or noted internally by the Designated Liaison Person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for Statutory Authorities. A full written record of all decisions will be maintained by the Designated Liaison Person. In an emergency, where a person is at immediate risk, you should contact the Garda Síochána or Emergency Services on 999 or 112.

### **Confidentiality**

All information concerned with the identification and reporting of vulnerable adult abuse is subject to best practice guidance on confidentiality. Where a vulnerable adult has capacity, their consent should be sought prior to disclosing information to another agency / Statutory Authorities.

### **Mandatory Reporting**

Beyond the scope of this guidance document on reporting, all citizens should be aware that it is a legal requirement throughout Ireland for any person who knows or believes that a serious offence has been committed including an offence relating to Rape, Sexual Assault and False Imprisonment to report such information to An Garda Síochána and it is an offence not to do so where that failure cannot be reasonably excused.

In current criminal legislation in Ireland (**Section 4 Criminal Justice (Withholding of Information of Offences against Children and Vulnerable Persons Act 2012**)” it should be noted that complicated provisions appear within the context of defences available to persons charged with an offence relating to non-reporting of serious personal abuse. These warrant more detailed consideration in developing in detail the implementation process of any guidance adopted.”

### **Consent**

The consent of the vulnerable adult should be sought prior to reporting any matter to the civil authorities and onto family and care service providers. Sometimes adults do not want civil authorities to take action to investigate or protect them from harm; People have a right to make such choices about reporting; however if a criminal act is suspected, it must be reported to the civil authorities. If upon receipt of the concern, where the vulnerable adult does not give consent to reporting, and it is not clear that a criminal act has taken place, and where the designated person believes that others may also be at risk of harm, consultation should take place with the civil authorities as to the best course of action, in the absence of consent from the alleged victim.

In considering the capacity of the vulnerable adult to give consent, the following factors should be taken into account:

- The adult has the capacity to understand what is being asked of him/her
- Sufficient information is given, in a way that the person understands, to enable him/her to make an informed decision
- Consent is not received through any form of coercion

If the vulnerable adult is unable to give informed consent, discussions should take place with their carer/guardian/close family about reporting concerns/allegations and, where appropriate, discussions should also take place with any medical or social work personnel. There may need to be a determination as to who can give consent on behalf of the vulnerable adult; in some instances there may already be provision in place; consultation may be required with legal advisers and statutory personnel.

**Please note the designated person should not make determinations around capacity to give consent, without consultation with appropriately trained and skilled personnel.**

### **Record Keeping and Storage**

Record keeping is of critical importance in this area of work. The ability to protect children, young people or vulnerable adults requires accurate records to be maintained. It is essential that all employees keep contemporaneous records of all safeguarding concerns – this will include contacts, consultations and any actions taken. All records relating to child or vulnerable adult protection and welfare such as records of concerns, allegations or disclosures or reports to statutory authorities should be kept in a safe and confidential manner. Paper records should be stored in locked filing cabinets with restricted access. Records held on PCs, servers or mobile devices should be encrypted and password protected. As regards the retention of records normally child protection reporting records are held in perpetuity.

### **Recruitment and Selection**

- Seeking Garda vetting, and police clearance for other jurisdictions, and developing criteria on decision making regarding suitability in the event of disclosures
- Specific factors which would exclude applicants from working in the organisation
- Contracts agreed by management and workers (including that workers will comply with the South Tipperary Arts Centre's vulnerable adult protection and welfare policy)
- All workers will receive induction in the vulnerable adult safeguarding policy and regular refresher or updating training will be provided as required.
- All staff whose roles include or could potentially include contact with vulnerable adults will receive appropriate safeguarding training, approved to national standards.

### **Management and Supervision**

All staff whose roles or duties include or may include contact with vulnerable adults will receive appropriate support and supervision from their line manager or other appointed manager.

### **Allegations against STAC personnel**

Should an allegation of abuse or inappropriate conduct in relation to a child, young person or vulnerable adult be made against South Tipperary Arts Centre personnel the procedures as outlined in the Child Protection Guidelines will be followed.

## **Code of Conduct in relation working with vulnerable adults**

- The safety and welfare of vulnerable adults is paramount and must be our first consideration in any contact with them.
- Respect the rights, dignity and worth of every vulnerable adult and treat each one equally regardless of age, gender, ability, ethnic origin, cultural background or religion
- Physical or verbal interactions with vulnerable adults should never be punitive, aggressive, embarrassing or humiliating
- When meeting vulnerable adults for the first time, introduce yourself and explain in age appropriate language, who you are and why you are visiting them
- Be aware of and sensitive to culture difference and engage with vulnerable adults in a culturally sensitive way

Do not take vulnerable adults in your car or to other locations or premises

- Always use positive, respectful and age appropriate language
- There should be no unnecessary physical contact between an adult vulnerable adults visiting the South Tipperary Arts Centre,
- Be friendly, open, patient and polite to all adults. Behave with courtesy, consideration and respect.
- If you think you may have caused offence, however unintentionally, acknowledge and offer an apology or explanation as soon as possible
- Should you observe or witness any action, behaviour or symptoms that indicate a concern in relation to a vulnerable adult's safety or welfare, report the matter, in the first instance to the service manager and advise her/him of your obligations under this policy. Note the concern and report to your line manager at the first opportunity.