



**Comhairle Chontae na Gaillimhe**  
**Galway County Council**

# **Child Protection and Welfare Policy and Procedures**

**Adopted 20<sup>th</sup> January 2023**

## Table of Contents

<b><u>Section 1</u></b>	Policy for the Protection and Welfare of Children	3
<b><u>Section 2</u></b>	Child Protection and Welfare Reporting Procedures	10
<b><u>Section 3</u></b>	Addressing Concerns of Child Abuse against an employee or volunteer	20
<b><u>Section 4</u></b>	Procedure for a Provider/Contractor of a ‘Relevant Service’ <sup>1</sup> engaged by the local authority	21
<b><u>Section 5</u></b>	Procedure for Funded/Community Groups in the Context of Local Authority Services	22
<b>Appendix I</b>	Types of Abuse	23
<b>Appendix II</b>	Standard Report Form	28
<b>Appendix III</b>	Tusla Reporting and Contact details	29
<b>Appendix IV</b>	List of Mandated Persons	30
<b>Appendix V</b>	Relevant Services (Children First Act, 2015)	32
<b>Appendix VI</b>	Definitions	34
<b>Appendix VII</b>	Template: Declaration to be signed by the provider/contractor of a ‘Relevant Service’ & or Funded/Community Groups carrying out a ‘Relevant Service and is acting on behalf of GCC or that is grant funded by the Council	36
<b>Appendix VIII</b>	Galway County Council Corporate Child Safeguarding Statement	38

## Version History

Version	Created/Amended By	Date	Description	Date Adopted by Executive Team
1	Kieran Keon, Senior Social Worker & Corporate Services	Nov 2021 & July 2022 & December 2022	Draft GCC Child Welfare & Protection Policy	
	Reviewed DOS, SEO, AO Corporate Services	January 2023	Draft GCC Child Protection and Welfare Policy & Procedures	20 <sup>th</sup> January 2023

<sup>1</sup> See Children First Act, 2015. Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,

## **SECTION 1: POLICY FOR THE PROTECTION AND WELFARE OF CHILDREN**

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### **1.1 Context**

Children, because of their dependency and immaturity, are vulnerable to abuse in various forms. Parents or guardians have primary responsibility for the care and protection of their children. However, the Council has a responsibility to ensure that children and young people are kept safe from harm while they are availing of Council activities/services.

This Policy and Procedure has been developed in accordance with the Children First Act, 2015 and the Children First: National Guidance 2017 for the Protection and Welfare of Children.

### **1.2 Purpose**

The purpose of this document is to outline the Local Authority's mandatory policy and procedures for the protection and safeguarding of children in accordance with the Children First Act, 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017.

This policy and procedure are supported by the local authority's Corporate Child Safeguarding Statement and Staff Code of Conduct.

### **1.3 Policy Statement**

The Council is committed to a child-centred approach in its work with children in all services and activities. The Council has a responsibility to ensure the protection and welfare of children.

The Council adheres to the Children First Act, 2015 and the Children First National Guidance for the Protection and Welfare of Children 2017 by implementing procedures covering:

- Appropriate recruitment and selection of employees and volunteers
- Appropriate vetting procedures (in accordance with National Vetting Bureau (Children & Vulnerable persons) Act, 2012 to 2016) of persons carrying out relevant work with children or vulnerable persons
- Appropriate management, supervision and training of employees, volunteers, and work placement students
- Reporting and recording of concerns, incidents, accidents, and complaints that come to the attention of the local authority (refer to Section 2 & Appendix II & III of this document)
- Reporting and recording of concerns, incidents, accidents, and complaints made against the Council, local authority employees/volunteers, any individuals taking undertaking work experience or internships within the Council (refer to Section 3 & Appendix II & III of this document)
- The reporting of suspected or disclosed abuse confidentially
- Circulation of information as considered necessary to employees, volunteers, parents/guardians, and users of local authority services.

## **1.4 Scope**

This policy shall apply to:

- All local authority employees, volunteers and any individuals undertaking work experience or internships within the Council
- All local authority functions, services and activities that impact on children
- All providers/contractors of “Relevant Services” who are engaged and supported by the local authority through the provision of resources. The Children First Act 2015 states that “any work or activity which consists of the provision of educational, research, training, cultural, recreational, leisure, social or physical activities to children” is a “relevant service” under the Act
- All Funded/Community Groups that carry out ‘Relevant Services’ on behalf of the Local Authority or that is grant aided or supported or assisted by the Council.

## **1.5 Objectives**

The policy objective is to strengthen the safety and welfare of children in their various interactions with the Council and to provide specific safeguards and support to employees and volunteers who may be in contact with children and to create a culture of safety and zero-tolerance towards abuse, which promotes the welfare of children and young people availing of the Council’s services.

## **1.6 Relevant Legislation**

There are a number of key pieces of legislation, codes of practice, standards and guidance that relate specifically to the reporting of child welfare and protection concerns:

- Children First Act, 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017
- National Vetting Bureau (Children and Vulnerable Persons) Act, 2012-2016
- Safeguarding Guidance for Organisations (Tusla 2015)
- Criminal Justice Act (Withholding of Information on Offences Against Children and Vulnerable Persons) Act, 2012
- Criminal Justice Acts, 2006-2013
- Occupiers Liability Act 1995
- Data Protection Acts 1988-2018
- Freedom of Information 1997-2014
- Local Government Act, 2001 as amended
- Protected Disclosures Act, 2014
- Equality Act, 2004
- Child Care Act, 1991
- Protections for Persons Reporting Child Abuse Act, 1998
- Criminal law (Sexual Offences) Act, 2017

The following provides a brief overview of the legislation: *(It is not intended as legal opinion or advice and in the case of doubt the original legislation should be consulted.)*



- **Children First Act 2015**

The Children First Act 2015 was given full effect on 11<sup>th</sup> December 2017. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals and organisations. One of the main objectives of the Children First Act 2015 and the Children First Guidance 2017 is to ensure that organisations working with children and young people keep them safe from harm while they are availing of that service. The legislation and guidance relate to the obligations of relevant services to prevent, as far as practicable, deliberate harm or abuse to the children availing of their services. While it is not possible to eliminate all risk, organisations should put in place policies and procedures to manage and reduce risk to the greatest extent possible.

The Act places specific obligations on organisations that provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using relevant services
- Carry out a **risk assessment** to identify whether there is any risk that a child or young person could be harmed while receiving its services
- Develop a Child Safeguarding Statement which outlines the policies and procedures which are in place to manage the risks which have been identified; and
- Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

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

This Act protects the person making a report of suspected child abuse to designated officers of the Child and Family Agency (Tusla), the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the CEO of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection applies to organisations as well as to individuals. This means that even if a report of suspected child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. 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 full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, can be found on the website of each agency ([www.tusla.ie](http://www.tusla.ie) and [www.hse.ie](http://www.hse.ie)).

- **Criminal Justice Act 2006 – Reckless Endangerment**

Section 176 of this Act creates an offence where a person, who has authority or control over a child or an abuser, intentionally or recklessly endangers the child by causing or permitting the child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or by failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

### • **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

The Act creates a criminal offence of withholding information relating to the commission of a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would be of material assistance in securing the apprehension, prosecution, or conviction of another person for that offence and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána.

The Act requires that any person who has information regarding a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Withholding Act is a criminal offence under that legislation. This obligation is **in addition** to any obligations under the Children First Act 2015.

The provisions of the withholding legislation are **in addition** to any reporting requirements under the Children First Act 2015.

### • **National Vetting Bureau Act, 2012 to 2016**

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 provides the statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons.

The Act stipulates that a relevant organisation shall not permit any person to undertake **relevant work or activities** on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. The Act defines relevant work or activities as “any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons”.

Galway County Council is a relevant organisation for the purpose of the Act and the following posts are currently identified as undertaking relevant work or activities and therefore require Garda Vetting; Galway County Council Library staff, Firefighters, Beach Lifeguards, School Wardens, Social Workers and Sports Partnership staff.

## **1.7 Designated Child Protection Liaison Officer**

The Council shall appoint at least one Designated Child Protection Liaison Officer to:

- receive and consider child welfare and protection concerns
- carry out consultation with Tusla
- make formal child welfare and protection referrals to Tusla
- maintain confidential records and inform parents/carers, where appropriate, if a report is to be submitted to Tusla/An Garda Síochána (note it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family).

***Details for Galway County Council:***

**Designated Child Protection Liaison Officer:**

Mr. Kieran Keon - Telephone: 091-509018 E-mail: [kkeon@galwaycoco.ie](mailto:kkeon@galwaycoco.ie)

**Deputy Child Protection Officer:**

Ms. Eibhlin Ellis - Telephone: 091-509214 E-mail: [eellis@galwaycoco.ie](mailto:eellis@galwaycoco.ie)

**Deputy Child Protection Officer:**

Ms. Mary Lavelle - Telephone: 091-509383. E-mail: [malavelle@galwaycoco.ie](mailto:malavelle@galwaycoco.ie)

## **1.8 Mandated Persons**

The Children First Act 2015 places a legal obligation on specific people to report to Tusla any incidences of harm against a child which meet or exceed a specified threshold. These people have been designated as “mandated persons” under the legislation.

The Human Resources Unit of the Council will maintain a list of classes of persons in the organisation who are mandated persons under the Act (**Appendix IV**) including the following which are deemed to be mandated persons within Galway County Council.

**The following roles within Galway County Council are deemed to be mandated persons under the Act:**

- **Social Workers**

Mr. Kieran Keon

Ms. Eibhlin Ellis

Ms. Mary Lavelle

## **1.9 Risk Assessment**

Each service area of the Council must undertake a risk assessment of any potential for harm to a child while availing of the services of the Council, that shall include a written assessment of the risk and measures in place to manage and/or mitigate any risk identified.

## **1.10 Corporate Child Safeguarding Statement**

In accordance with the Children First Act, 2015, the Council will prepare a Corporate Child Safeguarding Statement (see **Appendix VIII**).

The Corporate Child Safeguarding Statement should include a written assessment of the risks and specify the procedures that are in place to:

- Manage the risks identified

- Provide information and training to employees and volunteers on child protection, welfare, and safeguarding issues
- Enable employees/volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister
- Maintain a list of persons in the organization who are mandated persons under the Act
- Appoint a relevant person i.e., a Designated Child Liaison Officer in the organization for the purposes of the Act
- Make the statement available through circulation to all staff members and also display the Corporate Child Safeguarding Statement publicly.

The Corporate Child Safeguarding Statement will be circulated to all relevant employees/volunteers and relevant services will display the Statement publicly and make it available to parents and guardians, Tusla and members of the public on request.

The Corporate Child Safeguarding Statement will be reviewed every 2 years.

### **1.11 Grievance & Disciplinary Procedure Policy**

Failure to comply with the Council's Child Safeguarding Policy and Procedure can result in disciplinary action, up to and including termination of employment in the case of more serious breaches in accordance with the Council's Disciplinary Policy and Procedure.

Malicious or vexatious allegations of child abuse made by employees/volunteers will be considered a disciplinary matter and will be dealt with accordingly.

### **1.12 Record Maintenance, Confidentiality and Data Protection**

The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

Records shall be kept in accordance with the Data Protection Acts, 1988-2018 in a secure access-controlled filing system available to relevant personnel only and within the confines of the obligations and duties of the Data Protection Acts, 1988-2018.

### **1.13 Information and Training**

The Council's Human Resources Section will:

- Organise for the Designated Child Protection Liaison Officers and Deputy Officers to attend child protection and welfare information and training to enable them to undertake this role.
- Organise for employees who are mandated persons under the Children First Act, 2015 and those deemed to be mandated persons within Galway County Council as defined in this policy, to complete both the [Children's First](#) and the [Children First: Mandated Person Role & Responsibility](#) Online Training and provide a copy of certification to Human Resources. The Designated Child Protection Liaison Officer will be available to provide a further briefing to mandated persons as required.

- Organise that all existing employees complete the HSE [Children's First Online Training](#) and provide a copy of certification to Human Resources.
- Organise all new employees joining the Council to complete the [Children's First Online Training](#) and provide a copy of certification to Human Resources. Lifeguards will be required to provide this certification in advance of their start date.
- Where a Service Area requests, the HR department will organise for volunteers who require adequate and appropriate child welfare and protection information and training to complete the [Children's First Online Training](#) and provide a copy of certification to service area.
- Line managers can liaise with the Designated Child Protection Liaison Officer for further information, support and guidance in relation to this policy as required.
- HSE **Children's First online training** is available for staff at the following link: <https://childrenfirstuniversal.hseland.ie/en/>.
- HSE **Children First Mandated person** role and responsibility online training is available for mandated persons at the following link: <https://rise.articulate.com/share/0SLOAecxxd46MwV9GqdfS6toZBwCCHkp#/>

## **SECTION 2: CHILD PROTECTION AND WELFARE REPORTING PROCEDURES**

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### **2.1 Procedure for Employee/Volunteer Reporting Child Protection Concerns**

Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. Ignoring what may be symptoms of abuse could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred in order to report a concern to Tusla. All that is required is that there are reasonable grounds for concern. It is the role of Tusla to assess concerns that are reported to them. People who report concerns can be assured that their information will be carefully considered with any other information available, and a child protection assessment will proceed where sufficient risk is identified.

### **2.2 What constitutes reasonable grounds for a child protection or welfare concern?**

- Evidence (e.g., injury or behaviour) that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern in relation to possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused
- The determining factor when considering concerns about abuse is the impact on the child rather than the intention of the abuser.

The four main types of abuse are described in **Appendix I** and this outlines how abuse and neglect can be recognised.

### **2.3 Steps to be taken by an employee/volunteer who knows about or suspects child abuse:**

- a) An employee/volunteer who has a concern that a child has been or is at risk of being harmed should treat this information as confidential and should discuss the concerns with their line manager. The employee/volunteer also have a duty to convey this concern to the Designated Child Protection Liaison Officer (or Deputy Officer) without delay.
- b) When conveying concerns to the Designated Child Protection Liaison Officer, the employee/volunteer shall complete Galway County Council's Child Safeguarding Reporting Form at Appendix II and forward same to the Designated Child Protection Liaison Officer without delay. The Designated Child Protection Liaison Officer may require the employee/volunteer to provide further information or assistance to inform the assessment and the completion of the Tusla form.
- c) The Designated Child Protection Liaison Officer may report the information to Tusla, who in turn, may notify An Garda Síochána.
- d) In an emergency, or where there is an immediate risk to a child or where the Designated Child Protection Liaison Officer/ Deputy or Tusla cannot be contacted, a report should be made directly to An Garda Síochána. Following on, a report should still be made to the Designated

Child Protection Liaison Officer and submitted to Tusla, in accordance with the Council's reporting procedure.

- e) If the suspected abuser is an employee/volunteer of the Council, the matter shall be brought to the immediate attention of the Designated Child Protection Officer, who will inform ....the Director of Service with responsibility for Human Resources who in turn will inform the Chief Executive or nominated deputy without delay. The procedures are further outlined under Section 3 of this document, 'Addressing Child Protection and Welfare concerns raised against an employee or volunteer'.
- f) 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 Tusla or An Garda Síochána.
- g) Under no circumstances should any individual employee or volunteer attempt to intervene or deal with the problem of abuse.

### Reporting Procedures for Suspected / Disclosed Abuse

Employee / volunteer has a concern or suspicion



Discuss with line manager



Inform the Designated Child Protection Liaison Officer

*(The Designated Child Protection Liaison Officer should also be informed of concerns against an employee or volunteer, see Section 3 of this document 'Addressing Child Protection and Welfare concerns raised against an employee or volunteer' for further guidance.*

*In the event of an emergency or an immediate risk to a child or where the Designated/Deputy Child Protection Liaison Officer cannot be contacted, the report should be made directly to Tusla and/or An Garda Síochána)*

Complete Galway County Council's Child Safeguarding Reporting Form – **Appendix II**



Designated Child Protection Liaison Officer to consult / inform Tusla – **Appendix III**



Designated Child Protection Liaison Officer to inform parent(s) / guardian(s) if making a report *unless doing so would endanger the child or undermine the investigation*



Designated Child Protection Liaison Officer to report to An Garda Síochána if unable to reach Tusla – i.e. during an emergency or during out of hours.



## **2.4 Talking to Parents/Carers about a Concern**

The Children First Act 2015 does not require the person making the report to inform the family that a report under the legislation is being made to Tusla. However, it is good practice to do so and where possible the Galway County Council mandated persons making the report, or the Designated Child Protection Liaison Officer shall inform the family that a report is being made and the reasons for the decision unless determined by the Designated Child Protection Liaison Officer that by doing so would endanger the child or undermine the investigation.

It is not necessary to inform the family 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 an assessment. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family.

## **2.5 Standard Reporting Procedure for Designated Child Protection Liaison Officer**

The guiding principles in relation to reporting child abuse or neglect may be summarised as follows:

- i. the safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made
- ii. reports of concerns should be made without delay to Tusla.

## **2.6 Designated Child Protection Liaison Officer**

The Designated Child Protection Liaison Officer in the Council is responsible for ensuring that reporting procedures within the Council are followed so that child welfare and protection concerns are referred promptly to Tusla, in accordance with the Council's Reporting Procedure.

The Council has appointed the following persons as the Designated Child Protection Liaison Officer and Child Protection Deputy Liaison Officers in accordance with the Children First Act 2015. The contact details for the Designated Child Protection Liaison Officer and Deputy Officer(s) are as follows:

### ***Details for Galway County Council:***

#### **Designated Child Protection Liaison Officer:**

Mr. Kieran Keon - Telephone: 091-509018 E-mail: [kkeon@galwaycoco.ie](mailto:kkeon@galwaycoco.ie)

#### **Deputy Child Protection Officer:**

Ms. Eibhlin Ellis - Telephone: 091-509214 E-mail: [eellis@galwaycoco.ie](mailto:eellis@galwaycoco.ie)

#### **Deputy Child Protection Officer:**

Ms. Mary Lavelle - Telephone: 091-509383. E-mail: [malavelle@galwaycoco.ie](mailto:malavelle@galwaycoco.ie)



The Designated Liaison Person/Deputy should record all concerns or allegations of child abuse brought to his/her attention, and all actions taken following receipt of a concern or allegation of child abuse.

Tusla should always be informed when a person has **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. A report of a concern can be made in person, by telephone or in writing - including by email, to the local social work duty service in the area where the child lives. Contact details for the Agency social work teams can be found on the Agency website ([www.tusla.ie](http://www.tusla.ie)) and are outlined in Appendix III.

If the Designated Child Protection Liaison Officer is unsure whether a concern should be reported to Tusla, Tusla can be contacted by the Designated Child Protection Officer to informally discuss the concern. This provides an opportunity to discuss the concern and to decide whether a formal report of the concern to Tusla is warranted. If the concern is below the threshold for reporting, Tusla may be able to provide advice on follow up and about other services that may be more suitable to the child and/or family.

**If you think a child is in immediate danger and Tusla cannot be contacted, you should contact the Gardaí without delay.**

## **2.7 What information to include**

To help Tusla/ Gardaí assess the concern they need as much information as possible.

This would include, where known:

- the child's name, address, and age
- the names and addresses of parents or guardians
- names, if known of, who is allegedly harming the child or not caring for them appropriately
- a detailed account of the grounds for concern (e.g., details of the allegation, dates of incidents, and description of injuries)
- names of other children in the household
- name of school the child attends
- the name of the person making the report, contact details and relationship to the child.

The more information available to Tusla at an early stage the better able they will be to do a full check of their records, for instance to see if the child and/or a sibling was referred previously, or if an adult in the household had previous contact with the child protection services. It also assists Tusla social workers prioritise cases for attention, as they are not in a position to respond immediately to all cases but will always do so where a child is in immediate danger or at high risk of harm. It will also help the Tusla to decide if another service would be more appropriate to help meet the needs of the child, i.e., a community or family support service rather than a Tusla social work service.

## **2.8 Summary Steps to be taken by the Designated Child Protection Liaison Officer**

When the Designated Child Protection Liaison Officer receives a report about child abuse, they shall consider whether:

- There are reasonable grounds for reporting it to Tusla
- Clarify or gain more information from the person reporting the concern about the matter. Record and treat the information as confidential.
- Where the concern raised is against an employee/volunteer of Galway County Council, inform the relevant Director of Services with responsibility for Human Resources who will inform the Chief Executive or their deputy. Further guidance is provided in this document at Section 3 '*Addressing Child Protection and Welfare concerns raised against an employee or volunteer*'. Where there is any doubt or uncertainty, consult with Tusla
- Make a formal referral to Tusla
- Make a report to An Garda Síochána if an emergency situation.

Where reasonable grounds exist for the reporting of a child abuse concern, a report shall be made to Tusla by the Designated Child Protection Liaison Officer or deputy(s).

A Standard Form for Reporting Child Protection and/or Welfare Concerns is available in **Appendix II** and from Tusla website ([www.tusla.ie](http://www.tusla.ie)) and should be used for reporting suspected child abuse to Tusla or An Garda Síochána. If a report is made by phone or in person, this form should be completed and forwarded subsequently to Tusla.

## **2.9 Where decisions are made not to report a concern**

If the Designated Child Protection Liaison Officer decides **not** to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting are to be recorded
- If any actions are taken as a result of the concern, these should be recorded
- The employee or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The employee or volunteer should note that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

## **2.10 Anonymous Reports**

While it is possible to report a concern without giving a name, it may make it difficult for Tusla to assess the concerns.

It should be noted that it is not possible for mandated persons to submit a report of a mandated concern anonymously as to do so does not discharge the statutory obligations for a mandated person under the Act.

## 2.11 Mandated Persons

It is important to note that the statutory obligation of mandated persons to report under the Children First Act 2015 **must be discharged by the individual who has the role of mandated person** and cannot be discharged by the Designated Child Protection Liaison Officer on their behalf.

Some Designated Child Protection Liaison Officers (DLP) will themselves be mandated persons under the Children First Act 2015 and the statutory obligations of the mandated person under the Children First Act, 2015 will apply. In this case, if the Designated Child Protection Liaison Officers is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting which have been set out in the Act, then they will have a statutory obligation to make a report to Tusla arising from their role as a mandated person.

While mandated persons have statutory obligations regarding reporting, they may make a report jointly with another person, whether the other person is a mandated person or not. In effect this means that a mandated person can make a joint report with a Designated Child Protection Liaison Officer.

All concerns reported, actions taken, and outcomes should be recorded by the Designated Child Protection Liaison Officer and/or the Galway County Council Mandated Person (making the report) in line with Data Protection Acts, 1988-2018.

## 2.12 Who are Mandated Person's

Mandated persons are people who have ongoing contact with children and/or families who by virtue of their qualifications, training and experience are in a key position to help protect children from harm (see **Appendix IV** and for **Definition Appendix VI**).

A full list of persons who are classified as mandated persons under the Act can be found in **Appendix IV** including the following roles which are deemed to be mandated persons within Galway County Council.

**The following roles within Galway County Council are deemed to be mandated persons under the Act:**

- **Social Workers**

Mr. Kieran Keon

Ms. Eibhlin Ellis

Ms. Mary Lavelle

## 2.13 Legal Obligations of a mandated person

Mandated persons have two main legal obligations under the Children First Act 2015:

- (i) to report harm of children above a defined threshold to Tusla, and
- (ii) to assist the Agency, if requested, in assessing a concern which has been the subject of a mandated report.

### **Section 14 (1) of the Children First Act 2015 states:**

“Where a mandated person knows, believes, or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired, or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child –

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

he or she shall, as soon as practicable, report that knowledge, belief, or suspicion, as the case may be, to the Agency.”

### **The Children First Act 2015 section 14 (2) also places obligations on mandated persons to report any disclosures made by a child:**

“Where a child believes that he or she –

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a person, the mandated person shall, [...] as soon as practicable, report that disclosure to the Agency.”

## **2.14 Procedure for Reporting Mandated Concerns**

### **2.15 Criteria for reporting: definitions and thresholds**

The legislation states that mandated persons are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in Appendix I. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

A mandated person who has a concern about a child should make a decision as to whether the concern meets the threshold for a mandated report under the Act. Where satisfied that this threshold is reached, the mandated person should clearly identify on the report that it is a mandated report made under the Children First Act 2015. Concerns that do not reach the threshold for mandated reporting should still be reported as a standard report under Children First National Guidance 2017 if they constitute a reasonable concern about the welfare or protection of a child. If the mandated person is in doubt about whether the concern reaches the legal definition of harm for the purpose of making a mandated report Tusla can provide advice in this regard. Details of who to contact in this regard can be found on the Agency website.

### **2.16 Disclosures of abuse from a child or young person**

Mandated persons who receive a disclosure of harm from a child, which is above the thresholds set out in the Children First National Guidance 2017 are required to make a mandated report of the

concern to Tusla. Mandated persons are not required to judge the truth of the claims or the credibility of the child. However, you need to inform Tusla of all reasonable concerns about a child.

The reporting requirements under the Children First Act 2015 apply only to information that a mandated person has received or become aware of since the Act came into force, irrespective of whether the harm occurred before or after the commencement of the section on mandated reporting. However, reasonable concerns about past abuse where information came to the attention of the professional prior to the Act and there is a possible continuing risk to children can be reported to the Agency under the Children First National Guidance 2017.

### **2.17 Exemptions from requirements to report**

The exceptions from requirements to report relate to:

1. Underage Consensual Sexual Activity, and
2. Concerns Developed Outside of Professional Duties. *Full details are outlined in the National Guidance Children First 2017 (Chapter 3, Page 23).*

### **2.18 Concerns developed outside of professional duties**

The legal obligation to report under the Act applies to information that a mandated person acquires in the course of their profession or employment. It does not apply to information acquired outside their work, or information given to them in respect of a personal rather than a professional relationship. While the legal obligation to report only arises in relation to employment or professional duties, professionals should comply with the requirement of the Children First guidance 2017 to report all reasonable concerns to Tusla.

### **2.19 Making a mandated report**

Section 14 of the Children First Act 2015 states that mandated persons are required to make a written report “as soon as practicable” to Tusla. A report of a concern should be submitted to the Agency using the required report form on which it should be indicated that the person making the report is a mandated person and that the report is in relation to a mandated concern. Mandated persons should include as much relevant information as possible in the report of the concern as to do so will facilitate effective and early intervention for the child and will reduce the likelihood of the Agency needing to contact the person making the report for further information. The report form can be found on the Agency’s website ([www.tusla.ie](http://www.tusla.ie)) and is located in Appendix III.

The Children First Act 2015 requires Tusla to appoint authorised persons to receive mandated reports. The Report Form can be submitted to Tusla electronically by emailing the authorised persons using the contact details on the Tusla website. All mandated reports received by an Agency authorised person on a completed Report Form will receive a formal acknowledgement of receipt by Tusla. Mandated persons should be aware that Tusla may not be able to provide feedback on the outcome of the case. However, the information which has been provided will be carefully considered with any other information available to Tusla, and a child protection assessment will proceed if sufficient risk is identified. Further detail on how the Tusla deals with concerns they receive can be found in the Children First Guidance.

Mandated persons are not required to report the same concern on more than one occasion. However, if a mandated person becomes aware of any **additional information** a further report should be made.

In addition, a mandated person is not required to make a report where the sole basis for his or her knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla in respect of the child concerned.

## **2.20 Reporting in an emergency situation**

In an emergency situation, where a mandated person knows or has reasonable grounds to suspect that a child may be at risk of immediate harm and needs to be removed to a place of safety, Tusla should be contacted immediately. The details of how to contact Tusla, both during and outside of office hours can be found on Tusla's website (see Appendix III). If the child needs immediate intervention and it is not possible to contact Tusla, contact should be made with the Gardaí. Where an emergency report is made, mandated persons must submit a formal written mandated report to Tusla within three days.

## **2.21 Joint reporting**

Mandated persons may make a report jointly with any other person, whether that other person is mandated or not. For example, this could arise in situations where a child is admitted to A&E.

## **2.22 Informing the family that a report is being made**

The Children First Act 2015 does not require mandated persons to inform the family that a report under the legislation is being made. However, it is good practice to do so and where possible the Galway County Council mandated persons making the report, or the Designated Child Protection Liaison Officer shall inform the family that a report is being made and the reasons for the decision unless determined by the Designated Child Protection Liaison Officer that by doing so would endanger the child or undermine the investigation.

It is not necessary to inform the family 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. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so it may place the person making the report at risk of harm from the family.

## **2.23 Informing the Designated Child Protection Liaison Officer**

Designated Child Protection Liaison Officers are responsible for ensuring that reporting procedures are followed correctly and promptly. They act as a liaison person to Tusla. Any mandated person(s) is required to inform the Designated Child Protection Liaison Officer or Deputy if a mandated report has been made (sent to Tusla) and to provide a copy of the report. Mandated persons should be familiar with and adhere to any such requirements.

Mandated persons have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla. **Mandated persons should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with them and not with the Designated Child Protection Liaison Officer.** However, there is nothing in the Act to prevent mandated persons from either making a mandated report jointly with a Designated Child Protection Liaison Officer or providing a copy of the mandated report they have submitted to Tusla for the information of the Designated Child Protection Liaison Officer.

## **2.24 Consequences of non-reporting for Mandated Persons**

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are potential consequences for a failure to report (as outlined in [Children First National Guidance 2017](#)). There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

- Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member
- Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted

## **2.25 Sharing Information**

In accordance with the Children First Act 2015, Section 14 (1), Subject to subsections (3), (4), (5), (6) and (7), the mandated person shall report the concern to Tusla.

Section 17 of the Children First Act, 2015 provides that it is an offence for a mandated person to disclose information to a third party which has been shared by Tusla during the course of an assessment unless Tusla has given the mandated person written authorisation to do so. A person who fails to comply with this section is liable to a class A fine or imprisonment for a term not exceeding 6 months or both.

## **2.26 Protection from Civil Liability**

Mandated persons who are required to share information with Tusla in order to assist in the assessment of risk are protected from civil liability. Section 16 (3) of the Act states:

“If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.”

Under Section 4 of the Protection for Persons Reporting Child Abuse Act, 1998, nobody will be penalised for making a report of child abuse in good faith to Tusla or the Gardaí. If you have been penalised, you can make a complaint under the Protection for Persons Reporting Child Abuse Act 1998.



## **SECTION 3: ADDRESSING CHILD PROTECTION AND WELFARE CONCERNS RAISED AGAINST AN EMPLOYEE OR VOLUNTEER**

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**3.1** Where a child protection and/or welfare concern in respect of a child is made against an employee or volunteer (see **Appendix VI for definitions**), the reporting procedure must be followed as outlined in the previous section. In respect of the staff member (person of concern), the statutory authorities must be notified by the Council, dealt with and managed by the Council, guided by the Council's Designated Child Protection Liaison Officer(s) as outlined under Children First: National Guidelines for the Protection and Welfare of Children 2017.

**3.2** It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities. The Council is required to take any necessary protective measures that are proportionate to the level of risk and will balance its obligations to its employee with its obligations in respect of the best interests of children.

**3.3** When an allegation of Child Abuse is made against an employee or volunteer, the following procedure shall be followed:

- (i) The Designated Child Protection Liaison Officer should be informed of the allegation
- (ii) The Designated Child Protection Liaison Officer should inform the Director of Services with responsibility for Human Resources (or their deputies) of the allegation.
- (iii) The Designated Child Protection Liaison Officer should follow the Standard Reporting Procedure to Tusla
- (iv) The Director of Services with responsibility for Human Resources or their deputy shall arrange for the employee/volunteer to be informed, in confidence, that an allegation has been made against him/her, the nature of the allegation and their response should be noted and passed on to Tusla
- (v) The key priority should be to ensure that no child is exposed to unnecessary risk. The Council shall as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk
- (vi) The action to be taken by Human Resources should be guided by the agreed internal procedures i.e., Council's Grievance and Disciplinary Procedures, the applicable employment contract, and the rules of natural justice, where appropriate

**3.4** The Chief Executive should be informed as soon as possible of the allegation by the Director of Services responsible for Human Resources.

**3.5** Employees/volunteer's may be subjected to erroneous or malicious allegations. Therefore, any allegation of abuse shall be dealt with sensitively and support will be offered to employees/volunteers via the Council's Employee Assistance Programme (EAP).



## **SECTION 4: PROCEDURE FOR A PROVIDER/CONTRACTOR OF A 'RELEVANT SERVICE'<sup>2</sup> ENGAGED BY THE LOCAL AUTHORITY**

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**4.1** It is the responsibility of each **Provider/Contractor** of a '**Relevant Service**' engaged by the local authority for the provision of a service, to undertake an assessment of any potential for harm to a child while providing the service (see **Appendix VI for definitions**).

**4.2** It is the responsibility of each provider/contractor of a 'Relevant Service' engaged by the local authority for the provision of resources, to confirm they have a written Child Safeguarding Statement in place specifying the service being provided and outlining the procedures that are in place to:

- manage any child safeguarding risk identified
- investigate an allegation against any staff member about any act, omission, or circumstance in respect of a child availing of the service
- select and recruit staff who are suitable to work with children
- provide information and training to employees on child protection and safeguarding issues
- enable employees/ volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister
- maintain a list of persons in the organization who are mandated persons under the Act
- appoint a relevant person in the organization for the purposes of the Act.

The Service Specific Child Safeguarding Statement should provide an overview of the measures that the service has in place to ensure that children are protected from harm.

**4.3** The Council shall seek a signed declaration (see **Appendix VII**) from the provider/contractor of a 'Relevant Service', confirming that:

- They have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance
- They have prepared a Child Safeguarding Statement which is in place specifying the service being provided and outlining the procedures in place as set-out in sections 4.2 of this document to mitigate any risks
- They have in place appropriate child protection policies and procedures
- They have undertaken a risk assessment for provision of the service/contract and agree to follow the guidelines on procedures and practices contained within both the Risk Assessment undertaken and the prepared Child Safeguarding Statement
- Confirms that a vetting disclosure has been received in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e., any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

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<sup>2</sup> See Children First Act, 2015. Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,

## **SECTION 5: PROCEDURE FOR FUNDED/COMMUNITY GROUPS IN THE CONTEXT OF LOCAL AUTHORITY SERVICES**

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**5.1** It is the responsibility of each **Funded/Community Group** carrying out a '**Relevant Service**' on behalf of the Local Authority or that is grant aided or supported or assisted by the Local Authority that involves the provision of services to children, to undertake an assessment of any potential for harm to a child while providing the service (**see Appendix VI for definitions**).

**5.2** It is the responsibility of each Funded/Community Group carrying out a 'Relevant Service' on behalf of the Local Authority or that is grant aided or supported or assisted by the Local Authority, to confirm they have a written Child Safeguarding Statement in place specifying the service being provided and outlining the procedures that are in place to:

- manage any child safeguarding risk identified
- investigate an allegation against any staff member about any act, omission, or circumstance in respect of a child availing of the service
- select and recruit staff who are suitable to work with children
- provide information and training to employees on child protection and safeguarding issues
- enable employees/ volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister
- maintain a list of persons in the organization who are mandated persons under the Act
- appoint a relevant person in the organization for the purposes of the Act.

The Service Specific Child Safeguarding Statement should provide an overview of the measures that the service has in place to ensure that children are protected from harm.

**5.3** The Council shall seek a signed declaration (**see Appendix VII**) from the Funded/Community Group of a 'Relevant Service', confirming that:

- They have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance
- They have a written and in place a Child Safeguarding Statement specifying the service being provided and outlining the procedure in place as set-out in **section 5.2** of this document to mitigate any risks
- They have in place appropriate child protection policies and procedures
- They have undertaken a risk assessment for provision of the service/contract and agree to follow the guidelines on procedures and practices contained within both the Risk Assessment undertaken and the prepared Child Safeguarding Statement
- Confirms that a vetting disclosure has been received in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e., any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

## **APPENDIX I: TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED**

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

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

In the Children First: National Guidance 2017, 'a child' means a person under the age of 18 years, excluding a person who is or has been married.

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

### **Neglect**

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

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision, and safety. Emotional neglect may also lead to the child having attachment difficulties. These factors include the extent, if any, of positive influence in the child's life, as well as the age of the child and the frequency and consistency of neglect.

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

Neglect, including serious neglect, may be apparent immediately and on the basis of one engagement. An example is a child who is seriously underweight (without a medical condition) and has persistent hair and skin infections from poor hygiene. This condition is not the result of a one-off lapse on the part of a parent.

Other forms of neglect may only emerge over time as a pattern emerges. For example, a child who suffers a series of ongoing minor injuries may not be having his or her needs met in terms of necessary

supervision and safety. A child who consistently misses school may be being deprived of intellectual stimulation or adequate supervision.

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

The following are features of child neglect:

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

## **Emotional abuse**

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

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

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g., fun and play)
- Lack of continuity of care (e.g., frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child is made contingent on his or her behaviours or actions

- Extreme over-protectiveness
- Inappropriate non-physical punishment (e.g., locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development.

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

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

### **Physical abuse**

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

Physical abuse can include the following:

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

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult. There has been no change to the reporting requirements in relation to corporal punishment.

### **Sexual abuse**

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

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

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

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

In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal; however, it may not necessarily be regarded as child sexual abuse.

## **Bullying**

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it be verbal, psychological, or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyber bullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity, and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the Internet, and other personal devices.

While bullying can happen to any child, some may be more vulnerable such as children with disabilities or special educational needs, those from ethnic minority and migrant groups, from the Traveller community, lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT and children of minority religious faiths.

There can be an increased vulnerability to bullying amongst children with special educational needs and particularly those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards are required to have a code

of behaviour and an anti-bullying policy in place. School personnel should be aware of their school's anti-bullying policy and of the relevant procedural guidelines.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a referral may need to be made to the Children and Family Agency and/or An Garda Síochána.

# APPENDIX II: GALWAY COUNTY COUNCIL'S EMPLOYEE CHILD SAFEGUARDING REPORTING FORM



Comhairle Chónaithe na Galway  
Galway County Council

## Child Safeguarding Reporting Form

Confidential

Prior to completing a referral, the concern must be discussed by phone or in person with the Child Protection Liaison Officer (Senior Social Worker, Housing) or with the Deputy Child Protection Officer (Social Worker, Housing). Following discussion, the reporting form can be typed and attached by email and sent to the Child Protection Liaison Officer.

Name of Child:	
Family Details:	
Contact details:	
Address:	
Status (E.g. Tenant/Customer):	
Housing Reference Number:	

### Details of Concern:

*Provide specific details about the concerns/allegations, dates/times, information about the family etc.*

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### Other agencies/services involved with the client/family

For e.g. GP, Public Health Nurse etc. Add additional rows as necessary.

Agency Name	Link Person & Role	Contact Details

Name of Reporter:	
Phone & Email contact details:	
Date:	

*Note: Further information and additional detail may be required from the reporter.*

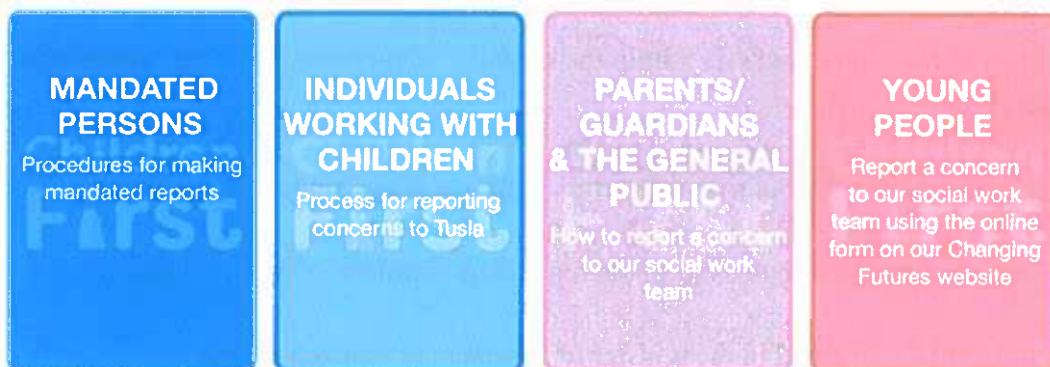


## APPENDIX III: TUSLA REPORTING AND CONTACT DETAILS

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Tusla's Web Portal allows users to securely submit child protection and welfare concerns to Tusla at [www.tusla.ie/children-first/report-a-concern/](http://www.tusla.ie/children-first/report-a-concern/)

### Report a Concern



Alternatively, you can report your concern in person, by telephone or in writing to Tusla's social work service in the area where the child lives. Child Protection and Welfare Forms can be accessed <https://www.tusla.ie/services/child-protection-welfare/publications-and-forms/> and should be submitted by registered post.

**Dedicated Contact Details for TUSLA's Social Work Service in Galway** [www.tusla.ie/get-in-touch/duty-social-work-teams/](http://www.tusla.ie/get-in-touch/duty-social-work-teams/)

The graphic has a blue header with the text 'DISCUSS/REPORT A CONCERN'. Below the header is a light blue bar with the text 'Contact details if you need to report a concern about a child or need to discuss a concern'. On the left side, there are two icons: a white house icon on a blue background and a white telephone handset icon on a dark blue background. To the right of these icons, the following contact information is listed: 'Child and Family Agency', '25 Newcastle Road', 'Galway', and '091 546235'.

## APPENDIX IV: SCHEDULE OF MANDATED PERSONS

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Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social Worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
  - (a) Manager of domestic violence shelter

- (b) Manager of homeless provision or emergency accommodation facility
- (c) Manager of asylum seeker accommodation (direct provision) centre
- (d) Addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas
- (e) Psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies
- (f) Manager of a language school or other recreational school where children reside away from home
- (g) Member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community
- (h) Director of any institution where a child is detained by an order of a court
- (i) Safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational, and other bodies and organisations offering services to children
- (j) Childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991
- (k) Person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

**16. Youth worker who—**

- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
- (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

**17. Foster carer registered with the Agency.**

**18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.**

## **APPENDIX V: RELEVANT SERVICES (SCHEDULE 1 OF THE CHILDREN FIRST ACT, 2015)**

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

7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest, or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

## APPENDIX VI: DEFINITIONS

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### **Child**

Person who has not attained 18 years of age, excluding a person who is or has been married (Child Care Act, 1991).

#### *Child Safeguarding*

*A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service.*

### **Employee**

Any person who works for a local authority under a contract for employment. This contract may be expressed or implied and be oral or in writing. An employee may be employed full time or part time or in a temporary capacity.

*(How to Develop & Implement a Safety & Health Management System: Local Government Sector Guidance Document LGMA 2007)* **'Contract of Employment'**:

*Contract of Employment is a contract of service or apprenticeship, or any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), whether the contract is express or implied and, if express, whether it is oral or in writing.*

### **Mandated Person**

“Mandated Person” means a person who is a person specified in Schedule 2 of the Children First Act, 2015 (**Appendix IV**) provides a full list.

Relevant Employees may include;

- (a) Social Care Worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
- (b) Social Worker who practises as such who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
- (c) Youth Worker who –
  - (i) holds a professional qualification that is recognised by the National Qualifications Authority in Youth Work within the meaning of Section 3 of the Youth Work Act 2001 or related discipline, and
  - (ii) is employed in a Youth Work Service within the meaning of Section 2 of the Youth Work Act 2001.

### **Provider**

“Provider” means, in relation to a relevant service, a person

- (a) who owns, controls, or manages the service, or is otherwise responsible for the running of that service, and

- (b) who, in respect of the provision of such relevant service –
  - (i) employs (whether under contract of employment or otherwise) one or more than other person to undertake any work or activity that constitutes a relevant service,
  - (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or
  - (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service.

### **‘Relevant Service’ as defined Children First Act, 2015**

Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children (Appendix V)

### **Contractor**

“Contractor” means, a person(s) who is not a direct employee and provides a ‘relevant service’ on behalf of the local authority. The contractor can be an employer or a self-employed person. The service provided can be once off or provided on a long-term basis.

### **Concern**

“A “concern” within the context of this policy is defined as the knowledge or suspicion that a child is at risk of or has been subjected to abuse or neglect. Such concerns should be supported by evidence or indicators of abuse and/or neglect.”

### **Volunteer**

Any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.

*(Volunteering UK).*

### **Funded/Community Groups**

Funded/Community Groups in the context of local authority service implies:

- (a) A person or a group of persons, with the consent of a Local Authority, carrying out a service for a local authority. The Local Authority may provide materials, equipment funding and the services of its employees to a person or group carrying out such services.
- (b) A person or a group of persons that carries out a community initiative/activity that is grant aided or otherwise supported or assisted by the local authority.

**APPENDIX VII: GCC TEMPLATE: DECLARATION TO BE SIGNED BY A PROVIDER/CONTRACTOR OR FUNDED/COMMUNITY GROUPS IN RESPECT OF CARRYING OUT A 'RELEVANT SERVICE'**



**Comhairle Chontae na Gaillimhe  
Galway County Council**

**Declaration**

**By a provider/contractor of a 'Relevant Service' & or Funded/Community Groups carry out a 'Relevant Service' that are engaged by or acting on behalf of Galway County Council or that are grant funded by the Council**

The Children First Act 2015 states that "any work or activity which consists of the provision of educational, research, training, cultural, recreational, leisure, social or physical activities to children" is a "relevant service" under the Act

*\*Complete in Block Capitals*

<b>Name of Organisation:</b>	
<b>Name of Person completing declaration:</b>	
<b>Your Contact details:</b>	
<b>Role in organisation:</b>	

*\*Tick Appropriate box*

<input type="checkbox"/>	I/We are the provider/contractor of a 'relevant service' engaged by Galway County Council for the provision of a service
<input type="checkbox"/>	I/We are a Funded/Community Group carrying out a 'relevant service' acting on behalf of Galway County Council
<input type="checkbox"/>	I/We are a Funded/Community Group carrying out a 'relevant service' that is grant aided, or supported, or is assisted by Galway County Council

*\*Please read carefully, the requirements below, tick appropriate boxes confirming same and return completed form to your GCC contact*

Galway County Council's Child Protection and Welfare Policy & Procedures, Section(s) 4 & 5 state that the Council shall seek a signed declaration from the provider/contractor of a 'Relevant Service' and Funded/Community Groups carrying out 'Relevant Services' that are engaged by or acting on behalf of Galway County Council or that is grant aided or supported or assisted by the Local Authority confirming the following:

- I/We confirm that I/we have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance
- I/We have prepared a Child Safeguarding Statement which is in place specifying the service being provided and outlining the procedures to:
  - ✓ manage any child safeguarding risk identified



- ✓ investigate an allegation against any staff member about any act, omission, or circumstance in respect of a child availing of the service
  - ✓ select and recruit staff who are suitable to work with children
  - ✓ provide information and training to employees on child protection and safeguarding issues
  - ✓ enable employees/ volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister
  - ✓ maintain a list of persons in the organization who are mandated persons under the Act
  - ✓ appoint a relevant person in the organization for the purposes of the Act
- I/We confirm we have undertaken a risk assessment for the provision of the service/contract and agree to follow the guidelines on procedures and practices contained within both the Risk Assessment undertaken and the prepared Child Safeguarding Statement
- I/We have in place appropriate child protection policies and procedures
- I/We confirm that a vetting disclosure has been received in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e., any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

***\*Signed Declaration***

I, (Insert name) \_\_\_\_\_, hereby declare that all the information submitted above by me is correct, true, and valid. I will present the supporting documents as and when required.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

<b>For GCC Office Use Only</b>	
GCC Unit:	
GCC Contact:	
Reviewed by:	Date:
Supplier ID:	
Date Received:	
Valid:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments:	



Comhairle Chontae na Gaillimhe  
Galway County Council

Children  
First

### **Corporate Child Safeguarding Statement**

#### **1. Name of service being provided**

Galway County Council is the local authority for the County of Galway.

#### **2. Nature of service**

Galway County Council is responsible for the provision of an extensive range of public services to include Economic, Rural, Community Development & Corporate Services, Finance & ICT, Housing, Infrastructure & Operations, Planning, Environment & Emergency Services.

#### **3. Principles of Safeguarding Children**

Galway County Council is committed to a child-centred approach in working with children in the delivery of all services and activities. The Local Authority has an overall corporate duty and responsibility to safeguard children accessing the Local Authority services and activities in accordance with Galway County Council's Child Protection and Welfare Policy & Procedures. Galway County Council is committed to:

- Promoting general welfare, health development and safety of children
- Ensuring procedures are in place for all staff/volunteers, providers/contractors of 'relevant services' engaged by the Council, and Funded/Community Groups in the context of Local Authority Services to include: robust recruitment, selection, supervision and support procedures
- Developing guidance and procedures for staff and volunteers who may have reasonable grounds for concern about the possible abuse or neglect of a child involved in the services or activities of the Local Authority
- Ensuring Designated Child Protection Liaison Officer and Deputies are appointed
- Ensuring that the Local Authority has procedures in place to deal with an allegation of abuse made against an employee/volunteer
- Raising awareness in the organisation about potential risks to children's safety/welfare
- Developing and maintaining clear record keeping procedures
- Ensuring an employee Code of Conduct is in place
- Developing a process of interagency cooperation with Tusla and other agencies involved in the protection of children.

#### 4. Local Authority's child-centred approach

Galway County Council will use all information in respect of children only for the purpose for which it is given, subject to child protection and welfare concern(s). The safety, welfare and development of children is a key priority for the organisation. In line with national and international best practice, Galway County Council promotes a culture of **zero tolerance** for any type of abuse or abusive practice.

#### 5. Process

Galway County Council's Child Protection and Welfare Policy & Procedures has been developed to promote safe environments for children, to mitigate the potential for risk to arise and to manage it safely if it arises in line with Children First guidance. In addition, the processes outlined in the risk assessment below at point 7 provides a framework for Galway County Council's response to concerns regarding the safety and welfare of children.

#### 6. Governance

The Chief Executive, Executive Team and relevant Line Managers are responsible for ensuring that the Corporate Child Safeguarding Statement is adhered to. This Corporate Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children (2017), and Tusla's Corporate Child Safeguarding: A Guide for Policy, Procedure and Practice.

#### 7. Risk Assessment

It is a mandatory requirement that an assessment of risks is carried out in accordance with Tusla's Children First National Guidance 2017. Each individual service area of the council must undertake a risk assessment of any potential for harm to a child, while availing of the services of the Council. A list of the areas of risk identified and the procedures for managing these risks, is available to members of the public on request. The risk assessment below represents an overarching one for the organisation.

RISK IDENTIFIED	PROCEDURES FOR MANAGING RISKS
A. Risk of non-compliance with Children First Act 2015	<ul style="list-style-type: none"><li>• Implementation of Child Protection Policy and procedures in compliance with Children First Act 2015</li><li>• Appropriate recruitment and garda vetting procedures for relevant employees and volunteers</li><li>• Appropriate vetting procedures (in accordance with the National Vetting Bureau Act 2012- 2016) for all relevant employees and volunteers</li><li>• Appropriate training of Staff, Mandated Persons and Designated Child Protection Officer and Deputies</li><li>• Appointment of Designated Child Protection Liaison Officer and Deputy Child Protection Liaison Officers</li><li>• Mandated persons within the organisation identified and a list of mandated persons held by the Human Resources Unit</li><li>• Completion of Risk assessments for each Service Area.</li></ul>

<p>B. Risk from staff or volunteer</p>	<ul style="list-style-type: none"> <li>• Robust recruitment procedures</li> <li>• Appropriate Garda Vetting procedures</li> <li>• Appointment of designated Child Protection Liaison Officers</li> <li>• Code of Conduct for employees</li> <li>• Implementation of Child Welfare and Protection Policy and Procedures in line with Children First Act 2015 requirements</li> <li>• Relevant Child Protection &amp; Welfare Awareness training for Staff, Mandated Persons and Designated Child Protection Liaison Officer and Deputies</li> <li>• Procedures to deal with an allegation of abuse made against an employee or volunteer.</li> </ul>
<p>C. Risk from other service user</p>	<ul style="list-style-type: none"> <li>• Customer Charter and Customer Code of Conduct on display for services users at all public counters and in publicly accessible buildings</li> <li>• Parents/Guardians advised regarding requirement to supervise children appropriately in publicly accesses/buildings and services.</li> </ul>
<p>D. Risk of harm/concern not being recognised by staff/volunteer</p>	<ul style="list-style-type: none"> <li>• Relevant Child Protection &amp; Welfare Awareness training for Staff, Mandated Persons and Designated Child Protection Liaison Officer and Deputies</li> <li>• Clear reporting procedures in place in accordance with Galway County Council's Child Protection and Welfare Policy &amp; Procedures</li> <li>• Details of Designated Liaison Persons and deputies circulated to all staff and contact details available on the intranet.</li> </ul>
<p>E. Risk from: <i>Providers/contractors of 'Relevant Services' engaged by the Local Authority and or; Funded/Community Groups carrying out 'Relevant Services' on behalf of the Local Authority or that is grant aided or supported or assisted by the Local Authority</i></p>	<p>The Council shall seek a signed declaration from the provider/contractor of a 'Relevant Service' and Funded/Community Groups carrying out 'Relevant Services' on behalf of the Local Authority or that is grant aided or supported or assisted by the Local Authority confirming:</p> <ul style="list-style-type: none"> <li>• They have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance</li> <li>• They have prepared a Child Safeguarding Statement which is in place specifying the service being provided and outlining the procedures in place as set-out in sections 4.2 &amp; 5.2 of GCC's Child Protection &amp; Welfare Policy &amp; Procedures to mitigate any risks</li> <li>• They have in place appropriate child protection policies and procedures</li> <li>• They have undertaken a risk assessment for the provision of the service/contract and agree to follow the guidelines on procedures and practices contained within both the Risk Assessment undertaken and the prepared Child Safeguarding Statement</li> <li>• That a vetting disclosure has been received in accordance with the National Vetting Bureau (Children</li> </ul>

	and Vulnerable Persons) Act, 2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e., any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.
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### 8. Reporting a Concern

Anyone can report a concern of abuse about a child. If you have any concerns about the welfare/abuse of a child, it should be reported to Tusla. A report can be made in person, by telephone, in writing or online. Any member of the public who has a concern about a child in County Galway can contact Tusla on **091-546235**. For further information or queries, please contact Galway County Council's Designated Child Protection Liaison Officer Mr. Kieran Keon on 091-509018.

In the event of any emergency where you think a child is in immediate danger and you cannot get in contact with Tusla, you should contact An Garda Síochána. If a child is in danger outside office hours, contact the Gardaí. Further information on Child Protection and welfare is available at [www.tusla.ie](http://www.tusla.ie).

### 9. Implementation & Review

We recognise that implementation is an on-going process. Our service is committed to the implementation of this Corporate Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our services. This Corporate Child Safeguarding Statement will be reviewed every 2 years in line with policy and legislation. For further information on the Local Authority's policies and procedures, contact Galway County Council on 091-509000 or visit [www.galway.ie](http://www.galway.ie).

Signed:  Chief Executive, Galway County Council

Date: 20<sup>th</sup> Jan 2023

