



## Procedure for Responding to and Reporting Child Protection Concerns

Document Area	Academic Quality Assurance and Enhancement
Document Function / Owner	Vice President Students, Teaching & Learning Vice President for Corporate Affairs (Human Resources)
Author	Quality Assurance & Enhancement Team
Required Approval	University Planning Team

### Issued Document Location

Internal Staff Portal / Hub	YES (default repository)
Internal Student Portal / Hub	Yes
ATU Website	Yes
Issue Date	2 September 2024
Effective Date	02 September 2024

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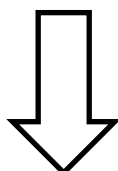
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## 1. Purpose

Atlantic Technological University (ATU) recognises its responsibility to promote and safeguard the welfare of children, young people, and vulnerable persons. The University's Child Protection Procedures have been developed following extensive consultation, and take account of the *Children First Act, 2015* and the *Children First: National Guidance for the Protection and Welfare of Children (Tusla 2017)*.

This document\*\* is part of a *suite of university documents* provided to give clear direction and guidance to all members of the ATU community in relation to meeting their statutory obligations, and in how to implement (non-statutory) best practice guidance when **responding to and reporting child protection concerns:**

<b><i>ATU Child Protection &amp; Safeguarding Framework</i></b>
<b><i>Policy</i></b>
Child Protection Policy
<b><i>Procedures</i></b>
Procedure & Guideline for Working Safely with Children
Procedure for Responding to and Reporting Child Protection Concerns
Procedure for Allegations Involving Members of ATU



<b>ATU Child Safeguarding Statement</b>
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## 2. Scope

This procedure applies to all University members including:

- All employees of ATU, including employees of campus companies and research centres.
- All students who may have contact with children or vulnerable adults on campus, online, or off-campus in the course of their duties or in fulfilment of the requirements of their programmes of study.
- All external parties (including agents, contractors, student unions of the university, and volunteers) who operate at any time within or for ATU

### 3. External Reference Documents

- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016
- Children First Act 2015
- National Guidance for the Protection and Welfare of Children (Tusla, 2017)

## 4. Procedure and Guidelines for Responding to and Reporting Child Protection Concerns

### 4.1 Definitions and features of child abuse (Children First: National Guidance 2017)

Tusla's National Guidance for the Protection and Welfare of Children (2017) identifies four main categories of child abuse as follows:

- i) Neglect
- ii) Emotional Abuse
- iii) Physical Abuse
- iv) Sexual Abuse

Appendix 1 of this procedure document provides detailed examples of each of these categories of abuse. University members should familiarise themselves with this detail so that they can meet their reporting obligations in respect of child protection. All university members should liaise with the University's designated liaison person (DLP) where they have a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect.

### 4.2 Establishing Reasonable Grounds for Concern

University members should note that the threshold for reporting their concern is 'reasonable grounds', **not** proof that abuse has occurred. The *Children First* guideline provides examples of reasonable grounds for concern, including:

- Any concern about possible sexual abuse.
- Evidence of an injury or behaviour that is consistent with abuse and is unlikely to have been caused in any other way.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that they have 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.

Mandated persons can contact the relevant counties duty social worker to discuss anonymously the concern and get advice whether the concern reaches the threshold for reporting.

It is not the role of a University member to judge the veracity of a claim or allegation, or the credibility of the person disclosing same; it is the function of Tusla to investigate all concerns and disclosures reported to them.

In the course of activities in ATU, a staff member / student / volunteer / visitor may have concerns about the behaviour of a person who is the parent or guardian of a child. If there is reason to believe that the behaviour of this person may pose a potential risk to a child, even though the child is unidentifiable, this should also be reported to the University's Designated Liaison Person (DLP).

#### **4.2.1 Duty to Report**

Every member of the University has a duty to report when they have reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. The guiding principle is that the safety and well-being of the child must take priority. In such cases, the grounds for concern should be reported without delay to the University's Designated Liaison Person (DLP) for child protection.

### **4.3 Roles and Responsibilities**

#### **4.3.1 Responsibilities of all Members of the University**

Effective protection and safeguarding of children, young people and vulnerable people depends on the *skills, knowledge, and values* of those working and interacting with them. All members of the University must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. It is thus imperative that all university members are fully familiar with the University policy in respect of child safeguarding and protection, and with the provisions of all related University procedures, including *this* procedure document which provides guidance on responding to and reporting child protection concerns.

University members should familiarise themselves with the name and contact details of the Designated Liaison Person (DLP) for the University, and the Deputy Designated Liaison Person(s) (DDLPs) for their campus. All ATU employees must complete TUSLA Childrens First freely accessible E-Learning module.

#### 4.3.2. Human Resources Function

Responsible for:

- The establishment of a mechanism for recording all training completed by university members in respect of Child Protection
- The maintenance of a current list of staff who are deemed mandated persons.
- The provision of training for mandated persons
- Working collaboratively with the DLP in instances where allegations or concerns involving ATU staff members have been made.

#### 4.3.3. Designated Liaison Person (DLP)

The Designated Liaison Person (DLP) for the University is responsible for dealing with child protection concerns and for ensuring that child protection reporting procedures within ATU are fully adhered to in a timely fashion. In the absence of the DLP, the Deputy DLP (DDL) is responsible for dealing with child protection concerns.

The DLP is also responsible for:

- Acting as a resource and contact point to any member of the ATU community who has a child protection concern.
- Keeping a record of all concerns or allegations of child protection issues brought to their attention, and the actions taken in relation to each.
- Reporting concerns or suspicions of child protection issues to Tusla, An Garda Síochána and other agencies, as required.
- Seeking advice from Tusla in situations where guidance is required in advancing of making a decision to report a matter.
- Maintaining all records in a secure and confidential location.
- Report to Child Protection Committee on a bi-annual basis the number of reports received, the source of these reports and the actions taken.
- Making recommendations to enhance process if required; and
- b) Informing the annual report made by the relevant person to Governing Body.

#### 4.3.4 Mandated Persons

In addition to their general obligations under ATU policy, chapter 3 of the *Children First Act 2015* sets out a legal obligation on **mandated persons** to report child protection concerns. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors and who, because of their qualifications, training and / or role, are in a key position to protect children from harm.

Any university members who is a mandated person must familiarise themselves with their additional statutory obligations. In particular, mandated persons are legally required to report child protection concerns at or above a defined threshold – the *Threshold of Harm* – directly to Tusla. All mandated persons should be registered on the TUSLA portal.

### Threshold of Harm

The *threshold of harm* (Children First 2015) at which a report must be submitted to Tusla by a mandated person, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being abused to the extent that the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

The statutory obligation of mandated persons to report directly to Tusla must be discharged by the mandated person and cannot be discharged by the designated liaison person (DLP) on their behalf. However, a mandated person who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

The statutory obligation to make a mandated report under the Act applies only to information that a mandated person acquires in the course of their employment or profession as a mandated person.

### **4.3.2 Responsibilities of Students on External Placement and staff visiting placements**

A student on external placement must be familiar with the policies and procedures in relation to child protection at the placement (host) organisation.

A student on placement who suspects or is aware of suspected child abuse should without delay, follow the procedures of host organisation.

A member of ATU staff visiting a student on external placements who suspects or is aware of suspected child abuse should without delay, follow the procedures of the host organisation.

## **4.4 Dealing with Disclosures**

In the event of a child disclosing an incident of abuse, it is essential that this is dealt with sensitively and professionally. The following are guidelines to support staff in this regard:

- Endeavour to react calmly;
- Listen carefully and attentively and take the child seriously;
- Reassure the child that they have taken the right action in talking to you;

- Do not promise to keep anything secret;
- Advise that support will be offered but that the information must be passed on;
- Ask questions for clarification only;
- Do not ask leading questions;
- Do not proceed to interview the child, simply report the relevant information;
- Confirm with the child that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Do not confront the alleged abuser;
- Make a record the conversation as soon as possible, in as much detail as possible;
- Sign and date the record;
- Ensure that the child understands the procedures which will follow in accordance with ATU's child protection and safeguarding framework;
- Ensure that the child, if a registered student ATU, is aware that additional support is available to them through University Counselling and Student Health Service functions;
- Do not attempt to deal with the problem alone; report the information to the University's DLP without delay;
- Treat the information confidentially, ensuring that the information is only passed on to those who need to know it.

#### **4.4.1 Information Sharing, Record Keeping and Confidentiality**

When there is a suspicion of child abuse, it is essential to create a written record of all the available information. Members of the ATU community reporting a concern to the DLP shall be expected to make a detailed account of:

- i) the grounds for the concerns (for example, details of the allegation, dates of incidents, and description of injuries).
- ii) signs of physical injury shall be described in detail.
- iii) any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.
- iv) the names, if known, of whom is allegedly harming the child or allegedly not caring for them appropriately.

All written records should be factual and objective, and the name, contact details and relationship to the child of the person bringing the concerns must be included in the written record. The records should be signed and dated.



Where records made by student health or student counselling service, the records should be stored in their case management system. All other reports should be passed to the DLP for safe storage. The DLP will store files securely.

All mandated persons are expected to assist TUSLA with an investigation and impart information in this process if required.

All information regarding a concern of child abuse or neglect will only be shared on 'a need to know' basis with the relevant statutory authorities. In the interests of the child, no undertakings regarding secrecy can be given. The provision of information to the DLP and the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

#### **4.4.2 Data Protection**

The General Data Protection Regulation (GDPR) provides individuals with a right of access to their personal information held by ATU as follows:

- a) Confirmation of whether or not their personal data is being processed.
- b) Where their personal data is being processed, a copy of that personal information.
- c) Where their personal data is being processed, other additional information as follows:
  - i. Purpose(s) of the processing
  - ii. Categories of personal data
  - iii. Any recipient(s) of the personal data to whom the personal data has or will be disclosed; in particular recipients in third countries or international organisations and information about appropriate safeguards
- d) The retention period.
- e) The existence of a number of rights.

This right to access does not apply in a range of circumstances that may be relevant in a child welfare context. The right of access to information must not adversely affect the rights and freedoms of others *i.e.* the right of access does not extend to any information that identifies a third party where that third party has an expectation of confidence. Accordingly, information that would identify a person making a child welfare and protection report shall not be provided in response to a subject access request.

#### **4.4.3 Guidance on Dealing with Adult Disclosures of Childhood Abuse**

Child protection concerns may arise with an adult (18 years or over) who discloses retrospectively that they have experienced abuse. Disclosures of historic abuse against a child are required to be reported unless there is a justifiable reason not to report, or not to report immediately, which may be decided on a case by case basis. In such circumstances consideration must be given to the following:

- Establishing whether there is any current risk to any child who may be in contact with the alleged abuser. If any risk is deemed to exist to a child who may be in contact with an alleged abuser, this should be reported to Tusla either by the DLP or a mandated person if the concern was disclosed directly to them.
- A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should be reported to Tusla, either by the DLP or a mandated person, if the concern was disclosed directly to them.

#### **4.5 Reporting Procedure**

Under the Children First Act 2015 the threshold of harm at which a report must be submitted to Tusla is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being abused to the extent that the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

For reports made to the DLP by non-mandated university members, the DLP shall:

- seek a written record from the university member reporting the concern which details their concern in accordance with the guidelines provided in section 4.4.1 above.
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- The DLP shall report all child protection concerns via the TUSLA portal and maintain a printed copy of the report for the case file.
- ensure all written records are maintained in a secure location.

For reports made by mandated university members, the mandated person shall:

- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- report all child protection concerns via the TUSLA portal, maintain a printed copy of the report for the case file and assist TUSLA in their investigations as requested.
- ensure all written records are maintained in a secure location.

- Notify the DLP that a report has been made.

#### 4.5.1 Reporting to Tusla and / or An Garda Síochána

The DLP/Mandated Person has a duty to maintain confidentiality. All information should be shared only on a 'need to know' basis in order to protect the interests of the child. All information exchanged by ATU, Tusla and An Garda Síochána will be treated with the utmost confidentiality in order to safeguard the privacy of the child, families and the alleged perpetrator, and to avoid prejudicing any subsequent proceedings which may follow.

The DLP /Mandated Person shall, without delay, report to:

- a) **Tusla**, where the DLP/Mandated Person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused. All reports made by the DLP to Tusla should include as much information as possible requested on Tusla's standard reporting form.
- b) in the case of the unavailability of Tusla (report concerns to) **An Garda Síochána** at any Garda Station
- c) the **parent or guardian** of a child who is the subject matter of the report, if a report is to be submitted to Tusla, unless doing so is likely to endanger the child.

If the DLP/Mandated Person decides not to inform a parent / guardian of the child, this decision and the reasons for it should be recorded and advised to Tusla so Tusla can take any appropriate necessary steps.

If, for any reason, it is not possible to inform the child's parent / guardian, the DLP/Mandated Person should inform Tusla of this situation.

- d) the **Human Resources Manager** of ATU where the allegation relates to an ATU staff member or contractor.
- e) the VP Students, Teaching and Learning of ATU where the allegation is made against an ATU student

#### **4.5.2 Procedure for Cases that are Not Referred**

If the DLP is of the opinion that it is not appropriate to report the case to Tusla or An Garda Síochána, the DLP shall inform the person who made the initial report, in writing, of the reasons why it was decided not to refer. If the DLP or Mandated Person is unsure whether to report the matter to Tusla, they should seek advice from Tusla without giving identifying details.

In such situations, the DLP/Mandated Person should make it clear that they are not making a report but simply seeking advice. If Tusla advises that a report should be made to Tusla, the DLP/Mandated Person should act on that advice and complete and submit the report without delay.

If Tusla advises that no action is required, the DLP/Mandated Person should:

- a) keep a record in writing of that fact together with a record of any advice given by Tusla;
- b) note any actions taken as a result of the concern;
- c) provide a written explanation to the University member volunteer who raised the concern with the DLP of the reasons why the concern is not being reported to Tusla;
- d) advise the University member who raised the concern with the DLP that if they remain concerned about the situation, they are free to make a report to Tusla and / or and Garda Síochána;
- e) in the event that the DLP/Mandated Person remains concerned about a Child's Welfare, report that concern in writing to Tusla.

### **5. Documents Associated with this Procedure**

- ATU Child Protection Policy
- ATU Child Safeguarding Statement
- ATU Procedure and Guideline for Working Safely with Children
- ATU Procedure for Allegations or Concerns Involving Members of ATU

### **6. Measurement of Effectiveness of this Procedure**

This procedure will be reviewed periodically by the ATU Child Protection Committee (the terms of reference and composition of this committee is provided for in the ATU Child Protection Policy).

## 7. Revision History

Revision No	Description of Change	Approval Date
001	New Procedure  Approved Governing Body 24 June 2024 Audit and Risk Committee 14 May 2024	24 June 2024

## 8. Appendices

### 8.1 Appendix 1 – Features and Examples of Child Abuse and Neglect

#### **Neglect:**

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

The following are features and examples of child neglect:

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

#### **Emotional Abuse:**

The results of emotional abuse can manifest in the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

The following are features and examples of emotional abuse:

1. Rejection.
2. Lack of comfort and love.
3. Lack of attachment.
4. Lack of proper stimulation (e.g. fun and play).
5. Lack of continuity of care (e.g. frequent moves, particularly unplanned).

6. Continuous lack of praise and encouragement.
7. The imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming of the child.
8. Bullying.
9. Conditional parenting in which care or affection of a child depends on his or her behaviours or actions.
10. Extreme over protectiveness.
11. Inappropriate non-physical punishment (e.g. locking child in bedroom).
12. Ongoing family conflicts and family violence.
13. Seriously inappropriate expectations of a child relative to his / her age and stage of development.
14. Emotional unavailability of the child's parent / carer
15. Unresponsiveness of the parent /carer and /or inconsistent or inappropriate expectations of the child.
16. Premature imposition of responsibility on the child.
17. Unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way.
18. Under- or over-protection of the child.
19. Failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development.
20. Use of unreasonable or over-harsh disciplinary measures.
21. Exposure to domestic violence
22. Exposure to inappropriate or abusive material through new technology.

**Physical Abuse:**

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

**The following are features and examples of physical abuse:**

1. Physical punishment
2. Beating, burning, slapping, hitting or kicking
3. Pushing, shaking or throwing
4. Pinching, biting, choking or hair pulling
5. Female genital mutilation
6. Use of excessive force in handling
7. Deliberate poisoning
8. Suffocation
9. Fabricated / induced illness
10. Allowing or creating a substantial risk of significant harm to a child

**Sexual Abuse:**

The examples of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

The following are features and examples of sexual abuse:

1. Any sexual act intentionally performed in the presence of the child
2. An invitation to sexual touching or intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification
3. Masturbation in the presence of the child or the involvement of the child in an act of masturbation
4. Sexual intercourse with the child, whether oral, vaginal or anal
5. Sexual exploitation of a child, which includes inviting, inducing or coercing a child to engage in prostitution or the production of child pornography (for example, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape, social media or other media) or the manipulation, for those purposes, of an image by computer or other means
6. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
7. Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
8. Exposing a child to inappropriate or abusive material through information and communication technology
9. Consensual sexual activity involving an adult and a person under the age of 17 years.