

CHILD PROTECTION AND
WELFARE
POLICY AND PROCEDURES

The Arts Council/An Chomhairle Ealaíon

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1. Introduction

The Arts Council is the Irish government agency for developing the arts. We work in partnership with artists, arts organisations, public policymakers and others to build a central place for the arts in Irish life.

The Council recognises that the arts have a central and distinctive contribution to make to our evolving society. Established in 1951, to stimulate public interest in and promote the knowledge, appreciation and practice of the arts, the Council is an autonomous body, which is under the aegis of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The Arts Council is a voluntary body of 12 members and a chair, appointed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. The Arts Council has circa 90 employees, 18 Arts Advisers, as well as temporary agency workers, project workers and contract workers from time to time.

The Arts Council supports and promotes children and young people's engagement with the arts. Young People, Children and Education (YPCE) is the term we use to describe this area of our work. YPCE encompasses all art-forms, and centres on the child or young person's experience of the arts whether as a young artist, learner, participant, audience member or a combination of these.

The Arts Council Strategy Making Great Art Work 2016–2025 articulates our commitment to working with relevant partners to plan and provide for children and young people. The UN Convention on the Rights of the Child, ratified by Ireland in 1992, recognises children's right to participate in the arts and cultural life, and to express themselves freely in the medium of their choice, including in the form of art. The Convention also recognises children's right to an education that enables them to develop to their full potential. The Arts Council considers opportunities for children to learn and develop artistic skills, and to experience the arts, as essential to realising these rights. The UN Convention relates to children under the age of eighteen. This is also true for national legislation in the area of child safeguarding, and the Arts Council's child protection policies and procedures therefore specifically relate to children under the age of eighteen. However, the Arts Council's work in the area of Young People, Children and Education encompasses children and young people's engagement with the arts

from early childhood up to the age of twenty-four. This is in line with national government policy and reflects different key developmental periods in children and young people's lives.

The services we deliver include:

- We manage funding for arts organisations and artists, including those who develop and share work with, by, and for children and young people.
- We consult with children and young people in the development and implementation of our strategy and programmes.
- We run a peer panel system that involves children and young people (aged 16+) in decisions that have a particular focus on children and young people's arts.
- We run networking and publicity events that involve children and young people.
- We attend and participate in arts programmes and events, including those developed with, by and for children and young people.
- We fund programmes in partnership with other government departments, national agencies, and local authorities whose policies and provision impact on children and young people's experience of the arts
- We run the Creative Schools programme, through which we contract creative practitioners who support schools across the country in developing the arts in their schools.
- We manage Culture Night and, on occasion, manage other arts events directly where we programme some of our own events, and we oversee a national programme of events delivered by a wide range of partners.

2. Glossary of Terms

The meanings of the words used in this document should be read as:

Child	Means a person under the age of 18 years other than a person who is or has been married (Sect 2(1), Child Care Act 1991).
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Child Safeguarding Statement	As defined in the Children First Act 2015, means ‘a written statement specifying the services being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm.
CPW Policy	Child Protection and Welfare Policy
Duty Social Worker	Social Worker, who works in Tusla, Duty Social Work Team and receives enquiries and referrals in respect of child protection and welfare.
Harm	As defined by the Children First Act 2015 means, in relation to a child – (a) Assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or (b) Sexual abuse of the child, whether caused by a single act, omission or circumstances or a series or combination of acts, omissions or circumstances, or otherwise
Mandated Person	As defined by the Children First Act 2015, mandated persons have a statutory obligation to report concerns which reach a particular threshold to Tusla and to cooperate with Tusla in the assessment of mandated reports.
Organisation	Refers to the Arts Council.
Parents	Refers to all parents, guardians and carers.
Provider	Means, a person – (a) Who provides a relevant 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 one person to undertake any work or activity that constitutes a relevant service

	<ul style="list-style-type: none"> (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 other training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service.
Relevant Person	Defined by the Children First Act 2015 as a person who is appointed by the provider of a relevant service to be the first point of contact in respect of the provider's Child Safeguarding Statement.
Relevant Service	Means any work or activity specified in Schedule 1, Children First Act 2015.
Risk Assessment	Means an assessment of any potential for harm to a child while availing of the service.
Tusla	Refers to Tusla, Child and Family Agency.
Workers	Refers to all staff or employees, volunteers, students, those on clinical or training or work placements, agency staff, contractors (that have access to children), board of management, and management committees.

3. Declaration of Guiding Principles

The Arts Council is committed to the protection and welfare of children and recognises its obligation to create a culture of safety that promotes the welfare of children and young people who avail of their services.

The Arts Council promotes the key principles that inform best practice in child protection and welfare, and acknowledges the rights of children to be protected from harm, treated with respect, listened to and have their views taken into consideration; recognising that **the safety**

and welfare of children is everyone's responsibility and the best interests of the child should be paramount. (Refer to [appendix 17.A](#) - Children First Principles).

The aim and purpose of the document is to set out the organisation's policy and procedures for identifying and reporting child abuse and neglect and dealing effectively with concerns which arise through the organisation's work with children. It also sets out the quality assurance measures in place for ensuring compliance of funded and grant-aided organisations, groups, and individual artists with legislation and national guidance for safeguarding children and young people.

The document has been developed with reference to Children First National Guidance for the Protection and Welfare of Children 2017 and includes; the legislative framework, quality assurance measures, responsibility to report, types of abuse and how they may be recognised, reporting procedures, the role of the designated liaison person, mandated persons, guidance on confidentiality, record keeping, safe recruitment procedures and management of workers, training and induction, procedures for responding to allegations of abuse against workers, code of conduct, anti-bullying and information sharing.

The Arts Council is a 'relevant service' as defined under the Children First Act 2015, schedule 1, (5)(a) as it provides educational, research, training, cultural, recreational, leisure, social or physical activities to children. In line with statutory obligations, the Arts Council has undertaken a risk assessment which has informed the development of the organisation's Child Safeguarding Statement. The Child Safeguarding Statement is publicly displayed at the organisation's head office, 70 Merrion Square, Dublin D02 NY52, and all Arts Council staff will be provided with a copy of the Statement and related policies and procedures when engaged to undertake work by or on behalf of the organisation. This will ensure that all those working with children are aware of their obligations to promote their safety and welfare. The Child Safeguarding Statement will also be made available to parents, guardians, Tusla and members of the public on request. (Refer to [appendix 17.B](#)).

It is the responsibility of the organisation's Board of Directors and Management to ensure that policies and procedures are in place and operating effectively. This Child Safeguarding Statement and related policies and procedures will be reviewed every two years or sooner if there has been a material change in any issues to which they refer.

3.1 Procedure for Appointment of Relevant Person

The Director appoints a 'relevant person' as defined by the Act. Liz Meaney, Arts Director, Performing Arts, is the relevant person and first point of contact in respect of the organisation's Child Safeguarding Statement.

4. Legislative Framework

There are a number of key pieces of legislation that relate to child protection and welfare. The information below gives a brief overview of relevant legislation. It is not intended as legal opinion or advice and the original legislation should be consulted as required.

The **UN Convention on the Rights of the Child** (UNCRC) is an international treaty that recognises the human rights of children, defined as persons up to the age of 18 years. It was adopted by the UN in 1989 and ratified by Ireland in 1992. It pledges to protect and promote children's rights to survive and thrive, to learn and grow, to make their voices heard, and to reach their full potential.

The **Childcare Act 1991 (and 2001)** is the primary legislation regulating child care policy in Ireland. Under the Child Care Act 1991 Act, as amended by the Child and Family Agency Act 2013, the Child and Family Agency (CFA) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. Under the Act, the definition of a child is a person under 18 years of age who is not or has not been married. It establishes the principle that the welfare of the child is paramount.

The **Children First Act 2015** places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children. Through the provision of the Act it is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting for key professionals
- Improve child safeguarding arrangements in organisations providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla - Child and Family Agency, is undertaking child protection assessments.

This legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.

The **Protection for Persons Reporting Child Abuse Act, 1998** makes provision for the protection from civil liability of persons who have reported suspected child abuse 'reasonably and in good faith' to designated officers of Tusla or to any member of An Garda Síochána.

This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of 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.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016. Under the Acts it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the Acts.

The **Domestic Violence Act 2018** replaces the Domestic Violence Act 1996 and the Domestic Violence (Amendment) Act 2002 and improves legal protections available to victims of domestic violence. The Act introduces factors that the Court shall consider when deciding on an application for an order under the Domestic Violence Act. These factors include (but are not limited to): a history of violence by the respondent towards the applicant or any dependent person (i.e. child); any conviction of the respondent for an offence under the Criminal Justice (Theft and Fraud Offences) Act 2001 that involves loss to the applicant or child; increase in severity or frequency of violence towards the applicant or their children; exposure of children to violence inflicted by the respondent on the applicant or other child; any action of the respondent, not being a criminal offence, which puts the applicant or a dependent person in fear for his or her own safety or welfare.

The **Criminal Law (Sexual Offences) Act 2017** addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory

process prior to the actual exploitation of a child. For example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

The **Data Protection Act 2018** applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to them, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up to date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

The **Freedom of Information Act 2014** enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies.

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 **Protected Disclosures Act 2014** is defined as a disclosure of relevant information related to wrongdoing made by a worker in the manner specified under the Act. For the purposes of the Act, information is “relevant” if:

In the reasonable belief of the worker, it tends to show one or more ‘relevant wrongdoings’ and it came to the attention of the worker in connection with the worker’s employment. ([Protected Disclosure Policy and Procedure, Tusla, 2016](#)).

4.1 National Guidance and Standards

Children First: National Guidance for the Protection and Welfare of Children and Young People (2017) first published in 1999 to give effect to the provisions of the Childcare Act 1991 and revised in 2011, has been the national guidance for social workers, professionals, organisations, and individuals to help keep children safe and protected from harm. The Guidance document is intended to assist people in identifying and reporting child abuse and neglect and deal effectively with concerns. It emphasises that the needs of children and families must be at the centre of child protection and welfare services, and that the welfare of children is of paramount importance. It highlights the roles and responsibilities of Tusla - Child and Family Agency, An Garda Síochána and Mandated Persons under the Children First Act 2015, and provides information about how the statutory agencies respond to reports of concerns made about children.

The **National Standards for the Protection and Welfare of Children** have been developed by the Health Information and Quality Authority (HIQA) to support continuous improvements in the care and protection of children in receipt of HSE child protection and welfare services. These outcome-based standards provide a framework for the development of child-centred services in Ireland that protect children and promote their welfare.

4.2 Arts Council Policies, Procedures, Guidance and Protocols

The Arts Council has a suite of policies, procedures, guidance, and protocol documents relating to safeguarding, which must be read in conjunction with this document and include (but are not limited to):

- Child Safeguarding Statement (Refer to [appendix 17.B](#))
- Protection of Adults at Risk of Abuse
- Protocol for Creative Associates
- Creative Schools Initiative Joint Working protocol
- Procedure for arranging work experience placements
- Guidelines for taking and using images of children and young people in the arts sector

- Human Resource Management:
 - Recruitment
 - Garda Vetting
 - Dignity at Work
 - Induction
 - Learning and Development
 - Disciplinary and Grievance
 - Staff Code of Conduct
 - Data Retention Policy
- Complaints
- Data Management

5. Quality Assurance of Funded Organisations, Groups and Artists

The Arts Council requires all organisations, groups and individual artists that receive funding from the Arts Council, and who work with children, to provide evidence of their compliance with the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017. The Arts Council requires these funded organisations, groups, and individual artists to have suitable policies and procedures in place to keep children safe from harm while availing of their services.

Every organisation, group or individual artist working with children and young people who receives funding or grant-aid from the Arts Council will be required to complete a quality assurance self-audit. This will be assessed by the Arts Council, using the quality assurance framework to measure compliance with legislation and national guidance for the protection and welfare of children. (Refer to [appendix 17.C](#) – Quality Assurance Framework and [appendix 17.D](#) - A. Self-Audit for Relevant Service Providers and for Individual Artists).

The Arts Council supports those organisations, groups, and individual artists who work with children by providing guidance and links to resources which provide information for relevant services, as defined under the Children First Act 2015, and outlines best practice in child safeguarding for all those working with children and young people.

6. Responsibility to Report Child Abuse or Neglect

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. All Arts Council workers must report any concerns of child protection to the Designated Liaison Person (or Deputy in their absence) as set out in section [7.4 – Roles and Responsibilities of Arts Council Workers](#).

One of the main objectives of the Children First Act 2015 is to ensure that organisations keep children safe from harm whilst availing of services. The legislation and associated 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 remove all risk, the Arts Council has policies and procedures which will reduce and manage identified risk to the greatest possible extent. The Arts Council's Child Safeguarding Statement identifies specific risk and associated management strategies for the protection and welfare of children availing of services. (Refer to [appendix 17.B](#)).

6.1 Recognising Child Abuse and Neglect

Child neglect or abuse can often be difficult to identify and may present in many forms. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

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

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) the recording of information.

There are a number of ways in which a concern in relation to a child's safety or welfare may come to light:

- a child may disclose something that has upset or harmed them

- someone else might report something that a child has told them, or that they believe that a child has been or is being harmed
- a child might show signs of physical injury for which there appears to be no explanation
- a child's use of language or behaviour may suggest he or she is being abused
- the behaviour or attitude of an adult towards a child in their care might cause concern
- a child might demonstrate worrying behaviour towards other children.

6.2 Dealing with Disclosures of Abuse

Arts Council workers must be aware that a child may disclose abuse to them as a trusted adult at any time during their work with them. It is important that workers are aware and are prepared to support the child and respond in accordance with organisational procedures.

1. Be as calm and natural as possible.
2. Remember that you have been approached because you are trusted and possibly liked.
3. Do not panic.
4. Be aware that disclosures can be very difficult for the child.
5. Remember, the child may initially be testing your reactions and may only fully open up over a period of time.
6. Listen to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to.
7. Do not pressurise the child. Allow them to disclose at their own pace using their own words.
8. Conceal any signs of disgust, anger or disbelief.
9. Do not give an undertaking of secrecy.
10. Accept what the child has to say – false disclosures are very rare.
11. Don't ask the child to repeat the account.
12. Make a detailed written account of what the child disclosed to you, using the child's own words, as soon as possible afterwards, date and sign it.
13. It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser

while also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards, the alleged perpetrator while talking with the child.

14. It may be necessary to reassure the child that your feelings towards them have not been affected in a negative way as a result of what they have disclosed.

15. Inform the child that you will be sharing this information only with people who understand this area and can help.

6.3 Types of Abuse and how they may be Recognised

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse, and sexual abuse. A child may be subject 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, you must consider it a child welfare and protection issue for both children, and you must follow child protection procedures for both the victim and alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the person whose behaviour is in question.

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.

6.4 Neglect

Child neglect is the most frequently reported 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, or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of the 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 poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

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. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

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. a child not gaining weight due not only to malnutrition but also 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 adequate 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.

6.5 Emotional Abuse

Emotional abuse is the systemic emotional or psychological ill-treatment of a child as part of the overall relationship between a care giver and a child. Once-off and occasional difficulties between a parent or 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 the 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 depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to their 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.

6.6 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 or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include:

- 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 an adult.

6.7 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 may come to light through disclosure by the child or his or her siblings or friends, from the suspicions of an adult, or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- Any invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in the act of masturbation
- Sexual intercourse with a child, whether oral, vaginal, or anal
- 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, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of an image by computer or other means)
 - Inviting, inducing, or coercing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse

- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. 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 the child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it must be noted that in 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 be regarded as child sexual abuse.

6.8 Circumstances Which Make Children More Vulnerable to Harm

Arts Council workers understand that some children may be more vulnerable to abuse than others. There may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular children who have disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives, may be more susceptible to harm. Arts Council workers will be cognisant of these circumstances when planning and delivering services, to ensure the organisation promotes children and young people's engagement with the arts. Refer to [section 12.4](#).

The following list is a range of issues that may place a child at greater risk to abuse or neglect. However, it is important to remember that the presence of any of these factors does not necessarily mean that a child in these circumstances or setting is being abused.

Parent/carer factor include:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues

- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Child factors include:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Trafficked/exploited
- Previous abuse
- Young carer

Community factors include:

- Cultural, ethnic, religious, or faith-based norms in the family or community which may not meet the standards of child protection and welfare required in this jurisdiction
- Culture specific practices, including
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

Environmental factors include:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/begging
- Bullying
- Internet and social media related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

(Children First National Guidance for the Protection and Welfare of Children, 2017).

7. Reporting Procedure

7.1 Reasonable Grounds for Concern

Tusla, Child and Family Agency must always be informed when an Arts Council worker has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering 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.

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, must also be communicated to Tusla.

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

- (i) the safety and wellbeing of the child must take priority;
- (ii) reports must be made without delay to Tusla.

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.

Arts Council workers will report concerns to the Designated or Deputy Designated Liaison Person ([refer to 7.3](#)) who will consider the information and determine if reasonable grounds for concern exist, and if a report should be submitted to Tusla.

If it is appropriate to inform the parents or carers, that the child will not be endangered by doing so; the Designated Liaison Person or Deputy Designated Liaison Person will contact the parents or carers and arrange to meet and discuss the concern.

7.2 Talking to Parents about concerns The Arts Council have about their Child

The Arts Council will inform a child's parent or carer if they are submitting a report to Tusla, Child and Family Agency, unless doing so would:

- Further endanger the child
- Impair Tusla's ability to carry out a risk assessment, or
- Put the reporter at risk of harm

If The Arts Council decide that it is appropriate to speak to the parent or carer about a concern, they will consider the following:

- The protection and welfare of the child is the priority, if a concern needs to be reported to Tusla the Arts Council will not delay.
- Who is the best person or worker within the Arts Council to have the conversation with the parents or carers? The Designated Liaison Person (or Deputy in their absence) will be present at all meetings with parents.
- Arranging to meet both parents or carers.
- Find a time when the parents or carers are not in a hurry.
- Find a place that is quiet and allows privacy.

When speaking to the parent/carers the Arts Council worker and Designated Liaison Person will:

- Start with positive statements about the parent or carers. Recognising that most

parents or carers are trying to do their best for their child and need that acknowledged.

- Explain what responsibilities the Arts Council has when they have a concern about a child who is availing of services.
- Keep language clear used, keep a calm and use a gentle tone.
- Reinforce the message that The Arts Council is seeking to work with the parents or carer for the best interest for the child.
- Clearly explain the nature of the concern or issue, using facts and records of observations.
- Explain how the situation is affecting the child whilst they avail of services from The Arts Council and try to reflect how the child may be feeling.
- Give parents or carers an opportunity to speak and acknowledge their feelings.
- Advise parents or carers how The Arts Council plan to proceed; keep them informed and involved.

Arts Council workers understand that it is not their role to decide if the child has been abused. The role of The Arts Council is to inform the child's parents or carers that workers have concerns about their child and the action to be taken by the organisation in response to the concerns.

7.3 Role of the Designated Liaison Person and Deputy Designated Liaison Person

A named Designated Liaison Person is responsible for dealing with child protection and welfare concerns in the Arts Council, ensuring that the standard reporting procedure is followed. They can be contacted in relation to any child welfare concerns and will ensure child protection training is made available to workers.

The Designated Liaison Person (DLP) is responsible for ensuring that suspected cases of child neglect or abuse are referred promptly to Tusla through the correct reporting procedure. A Deputy Designated Liaison Person (Deputy DLP) will take over the responsibilities of the DLP, if they are unavailable.

The DLP and Deputy DLP within the Arts Council are:

DLP: Liz Meaney, Arts Director Performing Arts

Telephone: +353 (0)1 618 0277 e-mail: liz.meaney@artscouncil.ie

The Arts Council, 70 Merrion Square, Dublin 2 D02 NY52

Deputy DLP: Seóna Ní Bhriain, Head of Young People, Children and Education

Telephone: +353 (0)1 618 0273 e-mail: seona.nibhriain@artscouncil.ie

70 Merrion Square, Dublin 2, D02 NY52

The Designated Liaison Person may receive reports of suspected child abuse or concerns about a child's safety and welfare. It is their responsibility to:

- Ensure that they are fully conversant with the organisation's duties to the protection and welfare of children
- Ensure that they are fully familiar with the organisation's child protection and welfare policies and procedures
- Receive concerns or allegations of abuse
- Collate relevant information to establish if reasonable grounds for concern exist
- Utilise informal consultation with a Duty Social Worker if unsure if concerns constitute reasonable grounds
- Ensure all reporting obligations are met
- Maintain appropriate records
- Provide a clear written statement to the worker raising the concern if they have decided not to report the concern to Tusla
- Advise the worker that if they continue to be concerned, they are free to consult with and report to Tusla or An Garda Síochána; reasonably and in good faith
- Inform parents or carers as appropriate
- Recognise the importance of multidisciplinary work as fundamental to best practice in child protection and welfare i.e. that all those involved with the child will work together in the child's best interests.

The Arts Council will ensure that the DLP and Deputy DLP have access to appropriate training to undertake their roles and have regular support and supervision from a suitably qualified

person. DLPs will complete initial training in respect of their roles and refresher training every two years.

7.4 Role and Responsibility of Arts Council Workers

If a concern arises regarding the safety and welfare of a child, in the context of the work of the Arts Council it must be reported to the DLP (or Deputy DLP in their absence). The DLP (or Deputy DLP in their absence) will decide if reasonable grounds for concern exist, if a child may have been, is being, or is at risk of being abused or neglected, and submit a report to Tusla.

Information will be supplied by the Arts Council DLP (or Deputy DLP in their absence) to Tusla that will help them assess the concern, including:

- The child's name, address and age
- 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 Arts Council's 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 the school the child attends
- Workers name, contact details and relationship to the child.

Reports to Tusla will be submitted by the DLP (or Deputy DLP in their absence) via the website portal www.tusla.ie. Refer to appendix 17.E for the Tusla Web Portal Guide.

If the Arts Council are concerned about a child but unsure of whether their concerns should be reported, the DLP (or Deputy DLP in their absence) will contact Tusla informally to discuss the concern with the Duty Social Worker. This consultation provides an opportunity to discuss the query in general and to decide whether a submitting a report of the concern to Tusla, is appropriate at this stage.

In an emergency, any worker can directly report a child abuse or neglect concern to Tusla or to An Garda Síochána. A report can be made in person, by telephone or in writing.

If an Arts Council worker makes a direct report (in an emergency) they must notify their line manager and the DLP, to enable the organisation to ensure the process is undertaken in line with policy, procedure and best practice guidelines. They will also offer support and guidance to the worker regarding their concerns.

Contact numbers for the Child and Family Agency offices nationwide are available on the Child and Family Agency website, refer to [appendix 17.E](#).

7.5 Mandated Person

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla. If requested to do so, mandated persons must also assist Tusla in their assessment of child protection concerns about children who have been the subject of a mandated report.

All mandated persons within the Arts Council are required under the Act to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. (Harm is defined in the glossary on [page 5](#) of this policy).

7.6 Procedure for Maintaining a list of Mandated Persons

Mandated persons within the Arts Council are workers who have contact with children or their families who, because of their qualification, training or employment role, are in a key position to help protect children from harm. A list of all mandated persons will be maintained by the Arts Council People and Skills Department and will be updated as workers join and leave the organisation.

7.7 Mandated Reporting

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.

Neglect

Neglect is defined as ‘to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care’. The threshold of harm, at which the mandated person

must make a report to Tusla under the Act, is reached when it is known, believed, or there are reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the **child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Emotional Abuse/Ill-Treatment

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which a report must be made to Tusla under the Act, is reached when the mandated person knows, believes, or has reasonable grounds to suspect that a child, is being, or is at risk of being ill-treated to the point where the **child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which a mandated person must report to Tusla under the Act, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted, and that as a result the **child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Sexual Abuse

If as a mandated person, you know or believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla. Sexual abuse to be reported under the Act (as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017) is defined as an offence against the child, as listed in Schedule 3 of the Children First Act.

As sexual abuse falls within the category of **seriously affecting the child's health, welfare or development**, mandated persons must report all concerns about sexual abuse as a mandated report to Tusla.

Section 14 of the Children First Act requires mandated persons to report a mandated concern to Tusla 'as soon as practicable'. A mandated person from the organisation will submit a report of a mandated concern to Tusla using the required report form via the Tusla portal (refer to [appendix 17.5](#) for the Tusla Web Portal Guide), on which they will indicate that they are a mandated person, and this report is about a mandated concern.

The Children First Act 2015 requires the CEO of Tusla to appoint authorised persons to receive mandated reports. A mandated person who makes a report to an authorised person is protected from civil liability under the Protection for Persons Reporting Child Abuse Act 1998.

If the mandated person(s) within the Arts Council feel that a child protection concern may require urgent attention in order to make the child safe, they will alert Tusla in advance of submitting a written report. They will then submit a mandated report to Tusla within three days. (Section 14(7) Children First Act 2015).

Mandated person(s) within the Arts Council are aware that the legal obligations under the Children First Act 2015 to report mandated concerns rests with them. Reports may be made jointly by mandated persons and the designated liaison person.

7.8 Mandated Assisting

Mandated persons can be asked by Tusla to provide necessary proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. Mandated person(s) within the Arts Council will comply with this request, regardless of who makes the report. Mandated assistance may include a request to supply further information over the telephone, produce a verbal or written report or attend a meeting.

7.9 Disclosures of Historical Abuse

If information arises that a person who is now an adult suffered abuse as a child, it must be reported to the Arts Council's DLP or Deputy DLP. The DLP (or Deputy in their absence) will submit a 'retrospective abuse report form' (RARF) which can be found on the Tusla website

(www.tusla.ie). The information supplied will support Tusla in their assessment of any on-going child protection concerns. Tusla will take necessary actions to ensure that any child who may be at risk of harm is protected.

8. Information Sharing and Record Keeping

8.1 Record Keeping and Storage

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

8.2 Confidentiality

Where child protection and welfare concerns arise, information must be shared on a 'need to know' basis in the best interest of the child. No undertaking regarding secrecy can be given to either adults or children in relation to child protection concerns, disclosures, or allegations.

The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. The Arts Council will cooperate with Tusla or An Garda Síochána in the sharing of information and records where a child welfare or protection issue arises. Relevant Arts Council workers will attend and share information, as required, at formal child protection and welfare meetings as organised by Tusla, i.e. Child Protection Conferences and Strategy Meetings. Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk.

All records held by the Arts Council will be kept in a safe and confidential manner, taking full account of legal requirements.

9. Safe Recruitment and Selection Procedures

Safe recruitment is an integral part of good safeguarding practice within the Arts Council. In conjunction with standard Human Resource Management practice, the organisation will:

- Advertise or publicise all prospective positions as widely as possible
- Provide a worker's job and role description
- Provide all applicants with information about the organisation and activities
- Provide an application process
- Seek Garda vetting, and police clearance from other jurisdictions for those employees working with children
- Adhere to the organisation's 'specific factors criteria' on decision-making regarding suitability in the event of disclosures
 - Ensure that interviews are conducted by at least two representatives of the organisation and all candidates will be measured against a set criterion
 - Seek a minimum of two recent references which will be validated prior to engagement with the organisation
 - Seek proof of identity
 - Require a completed declaration Form from all workers who may be in contact with children
 - Ensure contracts agreed by management and workers, including that workers will comply with the organisation's child protection and welfare policy and procedures
 - Ensure all workers receive induction in the child protection and welfare policy and procedures
 - Ensure all staff whose roles include or could potentially include contact with children, receive appropriate safeguarding training, in line with Children First.

It is the expectation of the organisation that all applicants and workers disclose any convictions or if they have given the benefit of the Probation Act.

10. Management, Supervision and Training

Arts Council workers whose roles or duties include or may include contact with children will receive appropriate support and supervision from their line manager or other appointed manager. This will include team meetings, informal and formal supervision on an individual or peer group basis. The organisation understands that workers dealing with or who have dealt with child protection and welfare concerns, may require additional support and supervision.

All workers will be provided with training in the Arts Council's child protection and welfare procedures in line with Children First and avail of Tusla's e-learning programme (www.tusla.ie), to ensure that all those working within the organisation are fully informed and trained.

11. Procedure for Responding to Allegations of Abuse against Workers

Should an allegation of abuse or inappropriate conduct in relation to a child be made against an Arts Council worker, it will be assessed promptly and carefully by the organisation in accordance with the organisation's guiding principles and child safeguarding procedures, the rules of natural justice, and any relevant Human Resource procedures and employment law. The Arts Council has a dual responsibility in respect of both the child and the worker and therefore two separate procedures will be followed:

1. The reporting procedure to Tusla in respect of the child and the alleged abuser.
2. The internal personnel procedure for dealing with the worker.

An allegation of abuse against a worker may relate to a worker who has

- Behaved in a way that has or may have harmed a child.
- Possibly committed a criminal offence in relation to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to a child.
- Behaved in a way that is contrary to the organisation's code of conduct between workers and children.

- Behaved in a way that is contrary to professional practice guidelines/codes.

When The Arts Council receives an allegation against a worker, the first priority is to ensure that no child is exposed to unnecessary risk and the organisation will take necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the worker (e.g. worker removed from duties, possible suspension with pay pending a full investigation).

The DLP (or Deputy in their absence) will be informed and the allegation will be managed in accordance with the reporting procedure set out in [section 7](#).

The DLP will liaise closely with investigating bodies (Tusla , An Garda Síochána) to ensure that actions taken by the organisation do not undermine or frustrate any investigations.

Parents or carers will be kept informed of the process and action taken by the organisation in respect of the allegation.

A senior manager will be appointed to manage the personnel procedure and will inform the worker that an allegation has been made against them and the nature of the allegation. The person will be afforded an opportunity to respond, and the response will be noted, and submitted to Tusla, should a report be submitted.

The Arts Council worker who the allegation has been made against will be informed if it is the decision of the organisation to submit a report to the statutory authorities and that the Arts Council will cooperate fully with any assessment or investigation that ensues. This will be undertaken without delay.

The CEO will be informed with due regard for privacy and fair procedure of the individual involved.

The organisation recognises that the individual who the allegation is made against will require support during this process and this will be provided on a confidential basis.

The outcome of any investigation or assessment by the statutory authorities, will inform and assist the organisation in reaching a decision about the action to be taken in the longer term

concerning the worker. An internal investigation under the Arts Council Disciplinary and Grievance Policies may be undertaken.

In line with the organisation's policy, should a statutory investigation or criminal proceedings be undertaken against a worker in relation to a child outside the context of an employment with the Arts Council, this must be reported to the People and Skills department of the Arts Council.

12. Code of Behaviour between Workers and Children

It is the expectation of the Arts Council that all workers will behave in a caring, respectful and appropriate professional manner towards children, young people and their families. The safety and welfare of children and young people is paramount and must be our first consideration in any contact with them. The organisation will obtain consent from a child's parent or guardian before the child avails of services or activities provided by Arts Council workers.

The following is a code for workers to guide their interactions with children and families (in person and through approved on-line platforms).

12.1 Communication

Workers must:

- Ensure all interactions with children and families respects the rights, dignity and worth of every person
- Treat each person equally with consideration for their age, gender, ability, ethnic origin, cultural background, and religion
- When meeting children for the first time, introduce themselves and explain in age-appropriate language, who they are and their role within the Arts Council
- Respect the ethos and practices of any service you visit, including their routines, schedules, and policies
- Be aware of each child's specific communication approach and ensure resources are available to enable the child to fully engage with the services offered by the Arts Council

- Listen to children's views, ideas, and opinions
- Ensure that children are praised and encouraged for all their endeavours
- Be friendly, open, patient, and polite to all children, remembering always that you are a visitor to their services. Behave with courtesy, consideration, and respect
- Acknowledge and apologise or explain as soon as possible if they think they may have caused offence to a child or a family member, however unintentionally

Workers must not:

- Use language, which is punitive, aggressive, embarrassing or humiliating towards a child
- Use foul or sexualised language in front of or towards a child
- Spend time alone with children or young people in services they visit, when young people visit the Arts Council or if delivering services to children online
- Share their personal information or contact details with children
- Communicate with children through personal or unauthorised online platforms or social media
- Engage in relationships with children outside of their professional role

12.2 Safe Supervision

Worker must:

- Ensure that children are never left unsupervised or in the care of un- authorised adult
- Ensure that there is more than one adult or young person present when delivering services (both in person and through approved online platforms)
- Ensure that the location of a service or activity is a safe, accessible, and positive environment for children

Workers must not:

- Spend time or meet with children who avail of services from the Arts Council outside of services provided and their role within the organisation (either in person or online)
- Spend time alone with children or young people in services they visit, when young people visit the Arts Council or if delivering services to children online

- Ever leave a child or children unsupervised

12.3 Social Media and ICT

Workers must:

- Ensure that children are supported to use the internet and social media safely
- Ensure that any access to the internet by children whilst availing of services within the Arts Council's premises is monitored
- Ensure that computers to be used by children within the Arts Council are set with parental controls to ensure that children do not have access to inappropriate material
- Ensure they work in line with the organisation's anti-bullying policy and procedure which includes cyberbullying
- Ensure that there is more than one adult or young person present, when delivering services through approved online platforms
- Be aware of the connection between social media use and negative outcomes for children

Workers must not:

- Take photographs of children (using mobile phone or other personal devices)
- Use mobile phones (and electronic devices) whilst working with children
- Allow children to use their (the workers) mobile phone or other electronic devices
- Connect (friend) or communicate with children through personal or unauthorised online platforms or social media
- Access or download inappropriate material

12.4 Safe Management of Services

Workers must:

- Ensure all services or activities with children are planned, including allocation of resources, risk assessments (if required), parental consent to the specific activity, and required worker to child ratios
- Where possible consult and plan alongside children and their families to ensure inclusion of all children who wish to participate

- Ensure they have the necessary, knowledge, skills and training to provide the service or activity
- Have access to first aid equipment
- Have emergency contact details for the child's parents or guardians if they are not present whilst the service or activity is being delivered
- Report any incidents or accidents
- Ensure that any funded services for children have been subject to the organisation's quality assurance process.

Workers must not:

- Take children in their cars or to other locations or premises
- Engage children in any activity which has not been prior agreed by the organisation

Any breaches of the Code of Conduct must be reported to the management of the Arts Council who will listen and respond appropriately. All issues of poor practice will be addressed, and disciplinary action taken by the organisation if required.

13. Anti-Bullying

The Arts Council is committed to creating a positive environment, free from bullying behaviour, where children can engage and learn to their fullest potential. The organisation is committed to creating an environment where:

- Bullying behaviour (in any form) is not accepted
- All instances of bullying behaviour are reported and managed
- Children can expect to avail of services in an environment free from bullying behaviour

13.1 Definitions and Features of Bullying

The Arts Council defines bullying as 'repeated aggression – whether verbal, physical, emotional or cyber bullying, that is conducted by an individual or group against others. It is behaviour that is intended to cause distress, harm or intimidate. Bullying includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation or exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of

abuse based on gender identity, sexual orientation, race, ethnicity, or religion. Children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices (cyberbullying). (Based on Children First National Guidance 2017).

13.2 Types of Bullying Behaviour and How they may be Recognised

Physical:

The Arts Council defines physical bullying behaviour as ‘the repeated unwanted violation of another person’s body causing physical harm’.

Physical bullying behaviour can include:

- Hitting, kicking, punching, scratching
- Pushing, shoving, spitting
- Forcing others to hand over food, money or something that belongs to them
- Threats of physical assault
- Sexual assault and unwanted ‘touching’
- Making someone do something they do not want to do

Verbal:

The Arts Council defines verbal bullying behaviour as ‘the use of words and language to cause emotional distress to another person, exclude them, or make them feel threatened by others’.

Verbal bullying behaviour can include:

- Name calling
- Teasing, insults, put-downs, verbal abuse, sarcasm
- Threatening of any kind
- Making derogatory comments about someone because of their appearance, physical characteristics, cultural background, sexual orientation, religion, or ethnicity
- Sexualised comments or innuendo.
- Making derogatory comments about someone’s actions.

Emotional:

The Arts Council defines emotional bullying behaviour as ‘treating a person in a way that causes them emotional distress, excludes them, or makes them feel threatened’.

Emotional (psychological) bullying behaviour can include:

- Excluding others from the activity or the group, ignoring, ostracising or alienating
- Spreading untrue stories or slander about others
- Making inappropriate gestures
- Taking, hiding or damaging something which belongs to someone else

Cyberbullying:

The Arts Council defines cyberbullying behaviour as ‘the use of technology to cause a person distress, by sending or sharing or posting inappropriate text or images’.

Cyberbullying behaviour can include:

- Sending inappropriate emails, texting, instant messages
- Inappropriate use of websites or chat-sites or social media
- Inappropriate sending or sharing or posting of photographs or images

13.3 Circumstances Which May Make Children More Vulnerable to Bullying

While bullying can happen to any child, some may be more vulnerable. These include children:

- With disabilities
- With special educational needs
- From ethnic minority and migrant groups
- From the Traveller community
- Lesbian, gay, bisexual, or transgender (LGBT) children, and those perceived to be LGBT+
- Of minority religious faiths

13.4 Preventing Bullying Behaviour

The Arts Council aims to prevent bullying behaviour by ensuring everyone is aware of their rights and responsibilities. Children who avail of services and their parents or guardians or carers and family members are expected to respect the organisation's anti-bullying principles. Workers are required to practice in accordance with the organisation's policies, procedures and guidance and adhere to all reporting procedures. Workers will be vigilant for bullying behaviour to ensure that all children who avail of services have a positive experience. Workers will also be conscious of their own practice to ensure they are delivering services in a positive and respectful manner and are good role models.

13.5 Impact of Bullying

Bullying behaviour has an impact on everyone involved. For the person who is the target of bullying behaviour the effects can be felt psychologically and physiologically. The Arts Council recognises that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

The person who is responsible for the bullying behaviour may also show signs of low self-esteem, show a lack of empathy, and may have had traumatic experiences in their own lives.

A key feature of bullying is the actual or perceived imbalance of power in the relationship between the person who is the target of the behaviour and person who displays the behaviour.

13.6 Reporting and Management of Bullying

All incidents of bullying behaviour must be reported to the Arts Council's DLP (or the Deputy DLP in their absence).

Peer to Peer Bullying.

On receipt of a report of bullying behaviour The Arts Council will establish the details by:

- Talking with the child who is the target of the behaviour to establish the details of their experience
- Inform and involve the child's parents or guardians

- Talking with the child or group who are displaying the bullying behaviour; inform them of the report and give them an opportunity to explain their behaviour
- Inform and involve their parents or guardians (as appropriate)
- Talking to any witnesses to gather relevant information

The Arts Council will:

- Keep a written record of the meetings
- Determine the action to be taken
- Meet with the child(ren) involved (parents or guardians as appropriate) and explain the impact of the bullying behaviour on the target person and the reason that bullying is not acceptable
- Inform of action to be taken to address the behaviour
- Monitor the child(ren)s behaviour to ensure that the bullying behaviour has ceased

In cases of serious instances of bullying where the behaviour is possibly abusive, the DLP will be informed, and the concern will be assessed and managed in accordance with the organisation's reporting procedures (refer to [section 7](#)).

Worker to Child Bullying.

If the Arts Council receives a report that a worker has allegedly bullied a child who is availing of services, they will:

- Inform the Designated Liaison Person of the report.
- Review the information and determine if there are reasonable grounds for concern (refer to [section 7](#)).
- If reasonable grounds for concern exist, the DLP will make a report to the relevant statutory authorities in accordance with the organisation's Child Protection and Welfare Procedures.
- If reasonable grounds for concern are not present, the alleged bullying behaviour will be managed in accordance with the organisation's complaints procedure.

In cases of instances of alleged bullying behaviour by a worker, this is a potential breach of the organisation's Code of Conduct and may result (following investigation) in disciplinary action.

14. Protected Disclosures.

The Protected Disclosures Act 2014 provides a statutory framework within which workers can raise concerns regarding potential wrongdoing that has come to their attention in the workplace in the knowledge that they can avail of significant employment and other protections if they are penalised by their employer or suffer any detriment for doing so.

The Act requires every public body to establish and maintain procedures for the making of protected disclosures and procedures for dealing with such disclosures. It also requires that public bodies provide written information relating to the procedures established. The 2014 Act became operational on 15th July 2014.

These procedures are not intended to act as a substitute for normal day to day operational reporting or other internal employment procedures. A Protected Disclosure involves the disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that one or more of the following relevant wrongdoings has been committed or is likely to be committed:

- Unlawful or improper use of public funds or resources
- Financial misconduct or fraud
- Corruption, bribery or blackmail
- Failure to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services
- Endangerment of the health or safety of any individual
- Damage to the environment
- The commission of an offence
- Miscarriage of justice

- Gross negligence or gross mismanagement by public bodies
- The concealment of any of the above.

The list above is not exhaustive. A full definition of wrongdoing can be found in Section 5(3) of the Act at <http://www.irishstatutebook.ie/2014/en/act/pub/0014/index.html>.

15. Review Process and Timetable

It is the responsibility of Arts Council Board to ensure that policies and procedures are in place and operating effectively. The organisation's Child Safeguarding Statement and related policies and procedures will be reviewed every two years or sooner if there has been a material change in any issues to which they refer.

16. References

- [Children First Act 2015](#)
- [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012 to 2016](#)
- [Children First: National Guidance for the Protection and Welfare of Children, \(DCYA 2017\)](#)
- [Guidance on Developing a Child Safeguarding Statement \(Tusla 2017\)](#)
- [Child Safeguarding; Guide for Policy, Procedure and Practice \(Tusla 2017\)](#)
- [A Guide for the Reporting of Child Protection and Welfare Concerns \(Tusla 2017\)](#)
- [Best Practice Principles for Organisations in Developing Children First Training Programmes \(Tusla 2017\)](#)
- [Child Protection and Welfare Practice Handbook, \(HSE 2011\)](#)
- [Child Protection and Welfare Practice Handbook 2 \(Tusla 2018\)](#)
- [National Standards for the Protection and Welfare of Children, \(Health Information and Quality Authority 2012\)](#)
- [Our Duty to Care – the Principles of Good Practice for the Protection of Children and Young People, \(DOHC 2002\)](#)
- [Protected Disclosure Policy and Procedure, \(Tusla, 2016\)](#)

17. Appendices

A. Children First Principles

The key principles of best practice in child protection and welfare are:

1. The safety and welfare of children is everyone's responsibility.
2. The best interests of the child should be paramount.
3. The overall aim in dealings with children and families is to intervene proportionately to support families to keep children safe from harm.
4. Interventions by the State should build on existing strengths and protective factors in the family.
5. Early intervention is key to getting better outcomes. Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used.
6. Children should only be separated from their parents or carers when alternative means of protecting them have been exhausted.
7. Children have a right to be heard, listened to and taken seriously. Taking into account their age and understanding, children should be consulted and involved in all matters and decisions that may affect their lives.
8. Parents and carers have a right to respect and should be consulted and involved in matters that concern their family.
9. A proper balance must be struck between protecting children and respecting the rights and needs of parents, carers and families. Where there is conflict the welfare of the child must come first.
10. Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of the children.

(Children First, A Guide for the Reporting of Child Protection and Welfare Concerns, 2017)

B. The Arts Council - Child Safeguarding Statement

The Arts Council/An Chomhairle Ealaíon Child Safeguarding Statement

The Arts Council delivers the following services:

The Arts Council is the Irish government agency for developing the arts. We work in partnership with artists, arts organisations, public policymakers, and others to build a central place for the arts in Irish life.

The Council recognises that the arts have a central and distinctive contribution to make to our evolving society. Established in 1951, to stimulate public interest in and promote the knowledge, appreciation and practice of the arts, the Council is an autonomous body, which is under the aegis of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The Arts Council is a voluntary body of 12 members and a chair, appointed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. The Arts Council has circa 90 employees, 18 Arts Advisers, as well as temporary agency workers, project workers and contract workers from time to time.

The Arts Council supports and promotes children and young people's engagement with the arts. Young People, Children and Education (YPCE) is the term we use to describe this area of our work. YPCE encompasses all artforms, and centres on the child or young person's experience of the arts whether as a young artist, learner, participant, audience member or a combination of these.

The Arts Council Strategy *Making Great Art Work 2016–2025* articulates our commitment to working with relevant partners to plan and provide for children and young people. The UN Convention on the Rights of the Child, ratified by Ireland in 1992, recognises children's right to participate in the arts and cultural life, and to express themselves freely in the medium of their choice, including in the form of art. The Convention also recognises children's right to an education that enables them to develop to their full potential. The Arts Council considers opportunities for children to learn and develop artistic skills, and to experience the arts, as

essential to realising these rights. The UN Convention relates to children under the age of eighteen. This is also true for national legislation in the area of child safeguarding, and the Arts Council's child protection policies and procedures therefore specifically relate to children under the age of eighteen. However, the Arts Council's work in the area of Young People, Children and Education encompasses children and young people's engagement with the arts from early childhood up to the age of twenty-four. This is in line with national government policy and reflects different key developmental periods in children and young people's lives.

The services we deliver include:

- We manage funding for arts organisations and artists, including those who develop and share work with, by and for children and young people.
- We consult with children and young people in the development and implementation of our strategy and programmes.
- We run a peer panel system that involves children and young people (aged 16+) in decisions that have a particular focus on children and young people's arts.
- We run networking and publicity events that involve children and young people.
- We attend and participate in arts programmes and events, including those developed with, by and for children and young people.
- We fund programmes in partnership with other government departments, national agencies, and local authorities whose policies and provision impact on children and young people's experience of the arts.
- We run the Creative Schools programme, through which we contract creative practitioners who support schools across the country in developing the arts in their schools.
- We manage Culture Night, and on occasion manage other arts events directly, where we programme some of our own events, and we oversee a national programme of events delivered by a wide range of partners.

The Arts Council's Principles to Safeguard Children from Harm

The Arts Council is committed to the protection and welfare of children and recognises its obligation to create a culture of safety that promotes the welfare of children and young people who avail of their services. The Arts Council promotes the key principles that inform

best practice in child protection and welfare and is committed to upholding the rights of every child who avails of our service. The Arts Council believes that:

- The safety and welfare of children is everyone's responsibility
- The best interests of the child should be paramount
- Children have a right to be protected from harm
- Children should be treated with respect
- Children have a right to be listened to and have their views taken seriously
- All children have an equal right to avail of a service that respects them as individuals and encourages them to reach their potential, regardless of their background

Our guiding principles and procedures to safeguard children and young people reflect national policy and legislation and we will review our guiding principles and child safeguarding procedures every two years. Our guiding principles apply to everyone in our organisation and employees, advisers, temporary agency, project or contract workers must conduct themselves in a way that reflects the principles of our organisation.

Risk Assessment.

We have carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the amalgamated areas of risk identified and the list of procedures for managing these risks.

	Risk identified	Procedure in place to manage risk identified
1.	Risk of harm to a child from Arts Council members, employees, advisers, temporary agency, project or contract workers.	<ul style="list-style-type: none"> • Child Protection and Welfare Policy and Procedures • Reporting procedures • Information sharing and record keeping procedure • Code of behaviour between workers and children • Safe recruitment and selection procedures • Procedure for the provision of information and training

		<ul style="list-style-type: none"> • Procedure for management and supervision of workers • Procedures for responding to allegations of abuse against workers • Procedure for safe management of services • Human Resource Policy and Procedures for the safe recruitment of workers • Human Resource Policy and Procedures for Garda vetting of workers • Protocol for Creative Associates. Procedure for reporting child protection and welfare concerns • Procedure for arranging work experience placements for transition year students
2.	<p>Risk of harm to a child involved in The Arts Council panels, consultations, networking, and publicity events.</p> <p>Including:</p> <ul style="list-style-type: none"> a) Risk from workers. b) Risk from other panel members, attendees or peers. c) Risk from unauthorised use of digital photography, digital media or other recording devices. 	<p>Procedures as set out in section 1 and:</p> <ul style="list-style-type: none"> • Safe Supervision Procedure • Communication procedure • Anti-bullying policy and procedure • Data protection policy and procedure • Guidelines for taking and using images of children and young people in the arts sector • Information sharing and record keeping procedure • Confidentiality policy and procedure • Social Media and ICT procedure • Training in online safety when working with children
3.	<p>Risk of Harm to a child participating in The Art's Council's activities or events, which are open to the public, for example, Culture Night.</p> <p>Including:</p> <ul style="list-style-type: none"> a) Risk from Arts Council staff (from all departments) who supervise the event on a volunteer basis. b) Risk from strangers or members of the public attending the event. c) Risk from peers attending event. 	<p>Procedures as set out in section 1 and:</p> <ul style="list-style-type: none"> • Procedure for safe management of services • Safe Supervision Procedure • Anti-bullying policy and procedure

4.	Risk of harm to a child from non-compliance by organisations, groups and individual artist who are funded by the Arts Council.	<ul style="list-style-type: none"> • The Arts Council Child Protection and Welfare Quality Assurance Framework • Child Protection and Welfare Self-Audits for funded organisations, groups and individual • Contract and conditions of funding
5.	<p>Risk of harm to a child from participating in activities organised by the Arts Council including the provision of services via online platforms.</p> <p>Including:</p> <ul style="list-style-type: none"> a) Risk from Arts Council workers providing or supervising the activity. b) Risk from peers attending the activity – bullying. c) Risk from inappropriate use of social media and internet-based technology. 	<p>Procedures as set out in section 1 and:</p> <ul style="list-style-type: none"> • Safe Supervision Procedure • Communication procedure • Anti-bullying policy and procedure • Data protection policy and procedure • Guidelines for taking and using images of children and young people in the arts sector • Information sharing and record keeping procedure • Confidentiality policy and procedure • Social Media and ICT procedure • Training in online safety when working with children

Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla’s Child Safeguarding: A Guide for Policy, Procedure and Practice. In addition to the procedures listed above, the Arts Council has a suite of safeguarding policies, procedure, guidance and protocols which support our intention to safeguard children while they are availing of our service:


1. Procedure for the management of allegations of abuse or misconduct against workers or volunteers of a child availing of our service
2. Procedure for the safe recruitment and selection of workers and volunteers to work with children
3. Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
4. Procedure for the reporting of child protection or welfare concerns to Tusla

5. Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons
6. Procedure for appointing a relevant person.

A copy of the Arts Council Policy and Procedures is available on the website (www.artscouncil.ie)

Implementation

We recognise that implementation is an ongoing process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. This Child Safety Statement will be reviewed in 24 months, or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: 

Kevin Rafter

Chairperson

The Arts Council

70 Merrion Square

Dublin

For queries, in relation to the Arts Council, Child Safeguarding Statement, please contact:

Liz Meaney

Arts Director Performing Arts

Telephone: +353 (0)1 618 0277 e-mail: liz.meaney@artscouncil.ie

(Relevant Person under the Children First Act 2015).

C. Quality Assurance Framework

Children First National Guidance for the Protection and Welfare of Children 2017 and Tusla Guidance on Developing a Child Safeguarding Statement 2017, states:

“Organisations that fund or give grants to other organisations that are providers of relevant services will need to ensure that these organisations are meeting their obligations under the Children First Act 2015. Funding organisations should develop quality assurance requirements which can be used to measure and evidence the compliance of funded or grant-aided organisations. Service level and grant agreements should include Children First compliance criteria as part of the funding condition.”

In line with national guidance the Arts Council seeks to ensure that those in receipt of funding or grant-aid, whose work brings them into contact with children, are meeting their obligations under the Children First Act 2015.

Completion of a quality assurance self-audit to demonstrate Children First compliance criteria is a condition of Arts Council funding.

The information supplied is used by the Arts Council to evidence and measure compliance with relevant legislation and national guidance for promoting the safety and welfare of children who use the services of funded or grant-aided organisations and individuals.

D. Self-Audit for Relevant Service Providers and for Individual Artists

The self-audit questions for relevant service providers (organisations or groups) and the self-audit for individuals can be viewed on the Arts Council’s website here: [Quality Assurance Self-Audit | The Arts Council | An Chomhairle Ealaíon](#)

E. Tusla Web Portal User Guide

The link to the guide is here: [Tusla Web Portal User Guide.pdf](#)

F. Duty Social Work Department Contact Details.

Reports should be made by the Designated Liaison Person or Mandated Person (as appropriate) to the Tusla duty social work service in the area where a child lives.

The list of contacts is on Tusla's website: [Contact a Social WorkerTusla - Child and Family Agency](#)