



## **Child Protection Policy and Code of Behaviour for Working with Children**

### **1. INTRODUCTION**

CIT works with children from time to time in a number of areas including at its constituent colleges, CIT Cork School of Music ('CSM'), CIT Crawford College of Art & Design ('CCAD') and other areas such as summer study courses and across a range of arts and sports activities. CIT is committed to creating a safe and healthy environment for the children with whom it works and is committed to ensuring their safety and welfare at all times.

CIT recognises that it is good practice to have a child protection policy to help achieve its aims in this regard. Accordingly, it produced a Policy based on "*Children First – National Guidelines for the Protection and Welfare of Children*" and "*Our Duty to Care – The Principles of Good Practice for the Protection of Children and Young People*".

This version of the Policy has been updated to take account of the 2011 edition of *Children First*.

### **2. SCOPE**

This Policy applies to all employees of CIT or any other person who works with children at CIT (hereafter referred to collectively as "staff"). Everyone to whom this Policy applies should familiarise themselves with it.

Certain parts of CIT operate from public buildings. At CIT CSM, for example, most parts of the building, including toilets, are open to the public. CIT does not supervise its students other than during official class times. Accordingly, there are limits to the extent that CIT can control who enters the building and may come into contact with children.

### **3. DUTY TO REPORT SUSPECTED OR ACTUAL ABUSE**

Society has a duty of care towards children and everyone should be alert to the possibility that children with whom they are in contact may be being abused. Any person who suspects that a child is being abused or is at risk of abuse has a duty to report their concerns.

The Protection for Persons Reporting Child Abuse Act 1998 provides significant protections for persons who report child abuse. Please see attached Appendix 1 for more information on this point.

#### **4. DEFINING AND IDENTIFYING CHILD ABUSE**

A “*child*” is defined for the purposes of this Policy as a person under the age of 18 years who is enrolled on a course of study at CIT or otherwise in attendance on its premises in connection with the activities of CIT, excluding a person who is or has been married.

Child abuse can be categorised into four categories, namely:

- Neglect;
- Emotional abuse;
- Physical abuse; and
- Sexual abuse.

##### *Neglect*

“*Neglect*” can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by his/her health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For instance, a child who suffers a series of minor injuries is not having his or her needs met for supervision and safety. A child whose ongoing failure to gain weight or whose height is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation. 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.

##### *Emotional Abuse*

“*Emotional abuse*” is normally to be found in the relationship between a care-giver (an adult person who has responsibility for a child in the short or long term) and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Examples of emotional abuse of children include:

- The imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming;
- Conditional parenting in which the level of care shown to a child is made contingent on his or her behaviour or actions;
- Emotional unavailability by the child's parent or care-giver;

- Unresponsiveness, inconsistent, or inappropriate expectations of the child;
- Premature imposition of responsibility on the child;
- Unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself in a certain way;
- Under or over-protection of the child;
- Failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- Use of reasonable or overly-harsh disciplinary measures;
- Exposure to domestic violence.
- Exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include:

- Anxious attachment;
- Non-organic failure to thrive;
- Unhappiness;
- Low self-esteem;
- Educational and developmental underachievement; and
- Oppositional behaviour.

The threshold of significant harm in this context is reached when abusive interactions dominate and become typical of the relationship between the child and his or her parent or care-giver.

#### *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.

Examples of physical injury include the following:

- Severe physical punishment;
- Beating, slapping, hitting or kicking;
- Pushing, shaking or throwing;
- Pinching, biting, choking or hair-pulling;
- Terrorising with threats;
- Observing violence;
- Use of excessive force in handling;
- Deliberate poisoning;
- Suffocation;
- Fabricated/induced illness;

Allowing or creating a substantial risk of significant harm to a child.

#### *Sexual Abuse*

"*Sexual abuse*" occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others.

Examples of child sexual abuse include the following:

- Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
  - Intentional touching or molesting of the body of the child whether by a person or object for the purpose of sexual arousal or gratification;
  - Masturbation in the presence of the child or the involvement of the child in an act of masturbation;
  - Sexual intercourse with the child whether oral, vaginal or anal;
  - Sexual exploitation of a child including inciting, encouraging, propositioning, requiring or permitting a child to solicit, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the 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 the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the “grooming” process by perpetrators of abuse;
- Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

**Please Note:** The definition of child sexual abuse presented above is not a legal definition and is not intended to be a description of the criminal offences relating to sexual assault.

## **5. RECOGNISING ABUSE/NEGLECT & REASONABLE GROUND FOR CONCERN**

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.

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures.

A person who has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse should report their concerns in accordance with Section 7 of this Policy.

The following examples would constitute reasonable grounds for concern:

- Specific indication from a child that s/he was abused;
- An account by a person who saw a child being abused;
- Evidence such as injury or behaviour which is consistent with abuse and unlikely to be caused in any other way;
- An injury or behaviour, which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- Consistent indication over a period of time that a child is suffering from emotional or physical neglect.

## **6. THE CHILD PROTECTION OFFICER**

A Child Protection Officer (“CPO”) at CIT is an individual designated with responsibility for ensuring that this Policy is promoted and implemented within a given area of CIT. Deputy Child Protection Officers will take over the responsibilities of a CPO if that person is unavailable for a significant amount of time.

The role of the CPO involves the following duties:

- To be familiar with this Policy, the principles of good practice for the protection of children and to have responsibility for the implementation and monitoring of this Policy;
- To receive reports of alleged/suspected or actual child abuse and act on these in accordance with this Policy;
- To build a working relationship with the Health Service Executive (HSE), An Garda Síochána and other agencies, as appropriate;
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues.

*Child Protection Officers for CIT*

[Names/areas to be added]

[Contact Details to be added]

*Deputy Child Protection Officers:*

[Names/areas to be added]

[Contact Details to be added]

## **7. REPORTING PROCEDURE IN RESPECT OF CHILD ABUSE**

Everyone must be alert to the possibility that children with whom they are in contact may be experiencing abuse or have been abused in the past.

The guiding principles in regard to reporting children abuse is that the safety and well-being of the child must take priority.

The reporting procedure for dealing with disclosures, concerns or allegations of child abuse is as follows:

- The member of staff who has received a disclosure of child abuse or who has concerns of abuse should bring it to the attention of the relevant CPO immediately.
- The CPO will assess and review the information that has been provided. The CPO will inform the Vice President for Finance & Administration of CIT of the matter. The CPO may contact the HSE for informal advice relating to the allegation, concern or disclosure.
- After consultation with the HSE officials, the CPO will then take one of two options:
  - Formally report the allegation, concern or disclosure to the HSE; or
  - Not make a formal report to HSE but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The member of staff who made the initial report will be informed if a formal report is not being made to the HSE and it is open to him/her to make a formal report themselves directly to the relevant authority if they feel this is necessary.
- Where a formal report is made the HSE will then liaise with An Garda Síochána. It is likely that the HSE will want to speak to the person who first made the report to clarify facts and the circumstances of the report.

Parents/guardians of the child will be informed of the allegation, concern or disclosure unless doing so is likely to endanger the child.

In cases of emergency where a child appears to be at immediate risk and the HSE is unavailable, An Garda Síochána should be contacted. Under no circumstances should a child be left in a dangerous situation pending intervention by the HSE.

#### *Standard Reporting Form & Information Required When Making a Report*

CIT has adopted a standard reporting form (see Appendix 2) for making reports concerning child abuse. The more detail that is included in this form, the easier it will be to assess an allegation, concern or disclosure of abuse. Reports which are made anonymously will be followed up but this may take longer and will make it more difficult for the professionals involved to assess the situation. If a person is unsure about the case, it may be useful to talk over the issue with the CPO or with a HSE worker before making an official report.

#### *Confidentiality*

In matters of child abuse, a member of staff should never promise to keep secret any information which is divulged. It should be explained that this information cannot be kept secret but only those who need to know will be told.

It is essential in reporting any case of alleged/suspected abuse that the principle of confidentiality applies. The information should only be shared on a 'need to know'

basis and the number of people that need to be informed should be kept to a minimum.

#### *The Protections for Persons Reporting Child Abuse Act, 1998*

This Act provides immunity from civil liability to persons who report child abuse 'reasonably and in good faith' to the CPO, the HSE or An Garda Síochána (see Appendix 1 for further details).

#### *Cases Not Reported to the HSE or An Garda Síochána*

In those cases where CIT decides not to report concerns to the HSE or An Garda Síochána, the individual who raised the concern should be given a clear written statement of the reasons why the organisation is not taking such action. The individual should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, the HSE or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith'

## **8. ACTIVITIES INVOLVING TRAVEL & OVERNIGHT STAYS AWAY FROM HOME**

### *Travel*

Where a child travels with staff to a class, meeting or other CIT event, CIT is responsible for the welfare of the child while travelling and while at the class, meeting or other event. In these instances, parental consent forms must be completed by parents/guardians and a record must be kept of the emergency contact numbers supplied. Parents/guardians should also be asked to provide information in relation to any special needs which the child may have, including diet, medical needs, support needs, etc. A record should also be kept of this information.

It is not recommended that staff give lifts in their cars to individual children, especially for long journeys. Where this is unavoidable, it should be with the full consent of the parents/guardians and a senior member of staff at CIT.

### *Overnight Stays*

The following guidelines shall be observed where CIT activities involve children staying away from home overnight:

- Adequate and safe transport arrangements must be made;
- Parent/guardian consent must be obtained for each participant, prior to the trip, including information on each participant about the following:
  - Contact details of parent/guardian and another person named by the parent/guardian in the event of the parent/guardian not being available in an emergency
  - All relevant medical information for the participant and consent for medical intervention, if necessary
  - Any special needs which the participant may have, including diet, medical needs, support needs, etc;
- All relevant information including contact details, allergies, medicines, dietary needs etc. for the child must be kept by a member of staff on the trip.

- Parents/guardians will be fully informed of the programme or timetable for the event and should be given a copy of the programme;
- Parents will be given full contact details of the centre/hotel/accommodation and also of the member of staff in charge of the event.
- At least two adults, one male and one female, will accompany children staying away from home overnight. Where only one child is going on the trip, one of the two adults should be a parent or guardian of that child. CIT will seek to ensure, where reasonably practicable, that there will be a ratio of two adults for every [10] children under the age of [12] on a trip and two adults for every [20] children over the age of [12].

## **9. DEALING WITH DISCLOSURES OF ABUSE**

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:

- React calmly;
- Listen carefully and attentively; 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 (i.e. questions which prompt a “yes” or “no” answer);
- 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;
- 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 this Policy;
- Pass the information to the CPO, do not attempt to deal with the problem alone;
- Treat the information confidentially (i.e. ensure that the information is only passed on to those who need to know it).

## **10. CODE OF BEHAVIOUR BETWEEN STAFF AND CHILDREN**

The following safe practice principles should be observed by staff at CIT:

- Staff should be sensitive to the risks involved in participating in activities that require physical contact with children.
- While CIT recognises that physical contact with children is sometimes necessary as part of the teaching and learning of certain activities, such as music for



example, staff should ensure that such contact is no more than is absolutely necessary in the circumstances.

- While physical contact is a valid way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons concerned.
- Staff should never physically punish or be in any way verbally abusive to a child, nor should they even tell jokes of an inappropriate or sexual nature in the presence of children.
- Staff should be sensitive to the possibility of developing favouritism.
- While it may be necessary for staff at CIT to work on a one to one basis with children, staff should not spend excessive amounts of time alone with an individual child.
- Where Staff are providing tuition to a child in one of the studios in the CIT CSM building, care should be taken to ensure that any window panel allowing others to see into the studio is not obscured in any way.
- Children should be encouraged to report cases of abuse or bullying. Complaints must be brought to the attention of the CPO.
- Everyone at CIT should respect the personal space, safety and privacy of individuals.
- It is not recommended that staff give lifts in their cars to individual children, especially for long journeys. Where this is unavoidable, it should be with the full consent of the parents/guardians and a senior member of staff at CIT (See Section 8 of this Policy for more guidance in relation to travelling with children)

## **11. ALLEGATIONS AGAINST A MEMBER OF STAFF**

Where an allegation of abuse is made against a member of staff at CIT, two distinct procedures will be followed:

- The reporting procedure in respect of the child;
- The procedure for dealing with staff.

The same person will not have responsibility for dealing with the both procedures. The CPO will follow the normal reporting procedure in respect of the child. It will be the responsibility of the Vice President for Finance & Administration at CIT to deal with the member of staff against whom an allegation has been made in accordance with agreed procedures, the applicable contract of employment and the rules of fair procedure and natural justice.

If there is an allegation or suspicion in relation to the CPO, the Vice President for Finance & Administration will deal with all aspects of the case, including the reporting procedure.

If an allegation is made against a member of staff the following steps will be taken:

- The Vice President for Finance & Administration will deal with all aspects of the case relating to the employment of the member of staff.
- The allegation will be assessed by the CPO to establish if there are reasonable grounds for concern and whether a formal report will be made to the statutory authorities in accordance with Section 7 of this Policy.

- The safety of the child is the first priority and all necessary measures will be taken to ensure that the child is safe. The measures taken will be proportionate to the level of risk.
- CIT will ensure that no other children are at risk during this period and will inform other relevant agencies or parents/carers as appropriate.
- The measures which can be taken to ensure the safety of children can include the following: immediate suspension of duties on full pay of the person accused, re-assignment of duties where the accused will not have contact with children, working under increased supervision during the period of the investigation or other measures as deemed appropriate.
- If a formal report is being made CIT will notify the member of staff that an allegation has been made and what the nature of the allegation is. The member of staff has a right to respond to this and this response should be documented and retained.
- CIT will ensure that the principle of ‘natural justice’ will apply whereby a person is considered innocent until proven otherwise.
- CIT will work in co-operation with An Garda Síochána and the HSE and any decisions on action to be taken in regard to the member of staff will be taken in consultation with these agencies. CIT will seek to ensure that actions taken do not undermine or frustrate any investigations being conducted by the HSE or An Garda Síochána.
- The person against whom the allegation is made will need support during this period and CIT will provide advice on how to access the relevant support services.
- Where an allegation is not upheld CIT will ensure, as far as possible, that the good name and office of the person subject to the allegation is preserved.

## **12. BULLYING**

All children and staff at CIT should treat each other with dignity and respect. Nobody should engage in or tolerate bullying behaviour.

“*Bullying*” can be defined as repeated aggression be it verbal, psychological or physical which is conducted by an individual or group against others. It is behaviour which is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools.

Examples of bullying include:

- Teasing
- Taunting
- Threatening
- Hitting
- Extortion
- Exclusion.

CIT will not tolerate any bullying behaviour and will deal with any incidents immediately.

If a person is the victim of bullying or witnesses or suspects that bullying is taking place he/she should report it to a member of staff.

Instances of suspected bullying where both the alleged victim(s) and alleged(s) perpetrator are children will be dealt with in accordance with CIT's student regulations.

Instances of suspected bullying where the alleged victim(s) is a member of staff and the alleged perpetrator(s) are children will be dealt with in accordance with CIT's student regulations.

Instances of suspected bullying where the alleged victim(s) is a child and the alleged perpetrator(s) is a member of staff will be dealt with in accordance with CIT's Policy on Bullying, Harassment and Victimisation.

The more extreme forms of bullying, when perpetrated by adults rather than children, may be regarded as physical or emotional abuse. Other major forms of child abuse such as neglect and sexual abuse are not normally comprehended by the term bullying. Instances of bullying that may be regarded as physical or emotional abuse may also fall to be dealt in accordance with the procedures outlined elsewhere in this Policy for dealing with child abuse.

### **13. KEEPING PARENTS/GUARDIANS INFORMED**

CIT will keep parents/guardians informed of all aspects of the programme that their child is involved in. CIT will share information relating to the programme of activities, trips away, transport to and from events, etc. with the parents/guardians. CIT will inform the child's parents/guardians in the event of a child disclosing an incident of abuse, unless this could put the child in danger.

### **14. FEEDBACK IN RELATION TO CHILD PROTECTION**

CIT is committed to ensuring the safety and welfare of all children. CIT welcomes comments from staff, children and their parents/guardians in relation to this Policy.

### **15. VETTING & TRAINING**

#### *Vetting*

CIT will seek to ensure all staff working with children will have received Garda vetting.

#### *Training*

All staff at CIT working with children will be expected to participate in relevant training in relation to this Policy as required from time to time.

Where young people, under 18 years, are assisting in the work of the CIT, they will receive appropriate information on this Policy at a level suitable to their age and experience. These young people will always work in partnership with or under the supervision of a member of staff who is an adult

## **16. RELEVANT LEGISLATION**

This Policy has been drafted to account for issues addressed in a number of pieces of legislation including:

- The Child Care Act 1991;
  - The UN Convention on the Rights of the Child 1992;
- The Non-Fatal Offences Against the Person Act 1997; and The Protection for Persons Reporting Child Abuse Act 1998.

### **Appendix 1**

#### **The Protection of Persons Reporting Child Abuse Act 1998**

This Act is a significant piece of legislation in the context of this Policy.

It provides:

- Immunity from civil liability to persons who report child abuse “*reasonably and in good faith*” to the HSE or An Garda Síochána. This means that if a reported suspicion of child abuse proves unfounded a person who takes an action against a person who made the report would have to prove that the reporter had not acted reasonably and in good faith in making the report.
- Protection for employees from penalisation (including dismissal) by their employers for making a report.

The Act also created an offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities “*knowing that statement to be false*”. This offence was designed to protect innocent persons from malicious reports.

## **Appendix 2**

SAMPLE ONLY (Copies of official form available from CPO)

### **Standard Form for Reporting Child Abuse to CPO at CIT**

#### **1. Details of Child:**



