

Burren Sonas Kindergarten  
Mainstreet, Kilfenora, Co. Clare

## **CHILD PROTECTION POLICY, 2024/25**

### **1. NAME AND SERVICE OF ACTIVITIES PROVIDED**

Burren Sonas Kindergarten is a registered Community Pre-school providing a Sessional Service for children aged from two and a half to six years. We provide the following services:

- ECCE 3-hour preschool session, Monday to Friday during term time, with an additional 30mins.

The Kindergarten operates from premises in the middle of the village of Kilfenora, County Clare. The Kindergarten is overseen by a Board of Management. Two staff members are presently employed by the Board: a Manager (full-time) and a Child Care Worker (full-time). Volunteers, mostly parents, participate in the daily activities of the Kindergarten and as members of the Board.

Our guiding principles are underpinned by Children First: National Guidance for the Protection and Welfare of Children, Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child and current legislation such as the Children First Act 2015, Child Care Act 1991, Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau Act 2012.

Our guiding principles apply to our board of management, all paid staff, volunteers, and students on work placement within our organization. All staff, volunteers and students must sign up to and abide by these guiding principles and our child safeguarding procedures. We will review our guiding principles and child safeguarding procedures every two years or sooner if necessary due to service issues or changes in legislation or national policy. Our Designated Liaison Person is Blandine Mahfouf (Manager). Our Deputy Designated Liaison Person is Avery McQuire.

## 2. COMMITMENT TO SAFEGUARD CHILDREN FROM HARM

Here at Burren Sonas Kindergarten we believe that:

1. Our priority to ensure the welfare and safety of every child and young person who attends our service is paramount.
2. 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.
3. All children and young people have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background.
4. We are committed to upholding the rights of every child and young person who attends our service, including the rights to be kept safe and protected from harm, listened to and heard.
5. Our guiding principles apply to everyone in our organisation.
6. Workers/volunteers must conduct themselves in a way that reflects the principles of our organisation.

## 3. DEALING WITH CHILD PROTECTION AND WELFARE CONCERNS DESIGNATED LIASON PERSON

Children First requires that every organisation providing services to children appoint a Designated Liaison Person (DLP)/relevant person for reporting neglect or abuse. The DLP (relevant person) is responsible for dealing with child protection and welfare concerns in accordance with Children First 2015. The Deputy DLP will be appointed by the board of management of Burren Sonas Kindergarten to undertake the below duties when the DLP is on leave or is unavailable for a long period of time.

### Identity of Designated Liaison Person (Relevant Person)

Burren Sonas Kindergarten nominated Designated Liaison Person is *Blandine Mahfouf (Manager)* and the Deputy Designated Liaison Persons is *Avery McQuire*.

### Role of the Designated Liaison Person (Relevant Person)

The Designated Liaison Person at Burren Sonas Kindergarten has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented.

The role of the Designated Liaison Person (Relevant Person) involves the following duties:

- Be fully familiar with your organisation's duties in relation to the safeguarding of children.
- Have good knowledge of your organisation's guiding principles and child safeguarding procedures.
- Ensure that the organisation's reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Consult informally with a Tusla Duty Social Worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their organisation, using the Child Protection and Welfare Report Form.
- Inform the child's parents/guardians that a report is to be submitted to Tusla or An Garda Siochana, unless:
  - *Informing the parents/guardians is likely to endanger the child or young person;*
  - *Informing the parents/guardians may place you as the reporter at risk of harm from the family;*
  - *The family's knowledge of the report could impair Tusla's ability to carry out an assessment.*
- Record all concerns or allegations of child abuse brought to your attention as well as any action/inaction taken in response to these concerns.
- Provide feedback to the referrer, as appropriate.
- Ensure that a secure system is in place to manage confidential records.
- Act as a liaison with Tusla and An Garda Siochana, as appropriate.
- Where requested, jointly report with a mandated person.

#### **4. MANDATED PERSONS**

A list of mandated persons is maintained by Burren Sonas Kindergarten and each of these individuals have received Child Protection training and is aware of their legal obligations under the Children's First Act 2015.

All mandated persons in the service, are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. These reports will be made in line with the procedures in this policy. These mandated persons must also assist Tusla, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report.

All employees, and volunteers of Burren Sonas Kindergarten, will be made aware of and be familiar with this child protection policy and safeguarding statement through an in-house induction and on-going training.

All staff and volunteers will sign up to the overall child protection policy and safeguarding statement of Burren Sonas Kindergarten. The Designated Liaison Person acts as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. All staff that are mandated persons also have an obligation to report, child protection concerns at or above a defined threshold to Tusla - Child and Family Agency.

#### **Mandated Persons:**

1. Janstje Schuurmans

2. Erin Gardner

3. Blandine Mahfouf

4. Avery McQuire

### **5. REPORTING PROCEDURE FOR DEALING WITH DISCLOSURES, CONCERNS OR ALLEGATIONS OF CHILD ABUSE**

#### **5.1 DEFINITIONS OF CHILD ABUSE**

Child abuse is complicated and can take different forms, but usually consists of one or more of the following signs and symptoms:

**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, and or medical care.

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

**Emotional abuse** is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning e.g. 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour.

Examples may include:

- the imposition of negative attributes on a child, 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 behaviours or actions;
- emotional unavailability of the Child's parent/carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself 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 unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

**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 the parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

**Physical abuse can involve:**

- 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** 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:

- 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 a child whether by a person or object for the purpose of the sexual arousal or gratification;
- masturbation in the presence of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal,

- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, 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 Siochana will deal with the criminal aspects of the case under the relevant legislation.

**Reckless Endangerment** is when a person having authority or control over a child or an abuser, who intentionally or recklessly endangers a child by-

1. (a) Causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
2. (b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence'.
3. (c) *The above are some of the examples of abuse for more information see section 2 of Children First.*

## How to Make a Report

All staff and volunteers (included Mandated Persons) at Burren Sonas Kindergarten will follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected.

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they will speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act 2015 (**appendix 1**.)
- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on [www.tusla.ie](http://www.tusla.ie)) to Tusla:
  - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting
  - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.

- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern, they will contact Tusla Duty Social Work for advice and guidance using the informal consultation process.
- Under no circumstances will a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Siochana.

<b>CONTACT DETAILS</b>	
<b>Tusla Duty Social Work</b>	Child and Family Agency , Tusla Building, St. Joseph's Campus, Mulgrave Street, Limerick. 061 588 688
<b>An Garda Siochana</b>	Ennistymon Garcia Station, Ennis Rd, Ennistimon, Co. Clare 06 707 2180

- *In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or OLP as appropriate.*
- *The owner/board of management of Burren Sonas Kindergarten will be informed when a report is made to Tusla under this policy. In accordance with the Confidentiality Policy identifying information about the child and family is only shared with them on a need to know basis.*

## 5.2 REPORTING PROCEDURES - MANDATED PERSONS

- Under the Children First Act 2015 Mandated Persons are legally required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed to Tusla.
- Mandated Persons will bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay (as above).
- If the child protection concern reaches the threshold for harm as defined in the Children First Act 2015 it is a mandated report. **See** Appendix I. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person (who raised the concern) and the DLP, using the Child Protection and Welfare Report Form (available on [www.tusla.ie](http://www.tusla.ie)). The form must clearly indicate that the report is a Mandated Report.
- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- The statutory obligation of Mandated Persons to report under the Children First Act 2015 **must be discharged by the Mandated Person** and cannot be discharged by the DLP on their behalf. Mandated Persons can, however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the Children First Act 2015 advice and guidance will be sought through informal consultation with Tusla Duty Social Work.
- If a child protection concern does not meet the criteria for a mandated report, it may meet 'reasonable grounds for concern' for a report to Tusla and this possibility must be considered. If 'reasonable grounds for concern' exist a report to Tusla will be made by the OLP.
- The Mandated Person may submit the report to Tusla solely, however, the OLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.



## How to Handle a Report of Abuse by a Child / Young Person:

In the event of a child / young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the employee / volunteer involved. In such circumstances, the employee / volunteer will:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person that they have taken the right action in talking to you;
- Do NOT promise to keep anything secret;
- Ask questions for clarification only. Do not ask leading questions, this is not an interview, but rather receiving a disclosure from a child;
- Check back with the child/young person that what you have heard is correct and understood;
- Do not express any opinions about 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/young person understands the procedures which will follow;
- Pass the information to the Designated Liaison Person do not attempt to deal with the problem alone;
- Treat the information confidentially.

## Retrospective Disclosures by Adults:

Parents and staff who are working with children and young adults or who attend child protection training may disclose abuse which took place during their childhood. A disclosure of abuse by an adult which took place during their childhood must be noted or recorded.

In these cases, it is essential that consideration is given to the current risk to any child who may be in contact. If any risk is deemed to exist to any child who may be in contact with the alleged abuser, a report of the allegation will be made to Tusla without delay. Investigation of disclosures by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse.

An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the Designated Liaison Person will report the allegation to Tusla without delay.

The HSE **National Counselling Service** is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see [www.hse-ncs.ie/en](http://www.hse-ncs.ie/en)). The service can be accessed either through healthcare professionals or by way of self-referral.

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

Burren Sonas Kindergarten wishes to draw the attention of the staff and volunteers to this Act Protection for Persons Reporting Child Abuse Act 1998, provides immunity from civil liability to persons who report child abuse "*reasonably and in good faith*" to Tusla or An Garda Siochana. Section 3(1) of the Act states:

*"A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that- a child has been or is being assaulted, ill-treated, neglected or sexually abused, or a child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person".*

This protection applies to childcare services and to individuals.

## 6. INFORMING PARENTS ABOUT CHILD PROTECTION AND WELFARE CONCERNS

Staff/volunteers may feel uncomfortable approaching a parent about a concern. You may have to discuss a concern about the welfare or protection of a child/young person or an issue which relates to the child/young person's developmental needs. The following best practice tips may be useful:

- Make sure parents/guardians have prior awareness of your guiding principles, procedures and duties to safeguard children.
- Be straightforward and clearly explain the nature of the concern or issue, e.g. by using facts and records of observations made.
- Think about the time and place to have the conversation. Find a time when parents/guardians are not in a hurry. Find a place that is quiet and allows privacy.
- Consider arranging to meet parents/guardians.
- Consider who is the best person/who are the best people to have the conversation with the parents/guardians.
- Use a calm and gentle tone, consider the language used.
- Start with positive comments and observations about the child/young person. Ensure that the parents/guardians know that you care about the welfare of their child and recognise their strengths.
- Refer to how the situation may be affecting the child/young person.
- Start with positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times.
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings.
- Take the approach that you are working together to address any issues in the best interests of the child/young person.
- Don't blame, don't get defensive and don't take things personally.
- Ensure that you are supportive but also address the issue.
- Refer to your guiding principles and child safeguarding procedures for support.

- Offer possible solutions, where appropriate.
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate. Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with the OLP or Tusla duty social worker.
- Remember if a report needs to be made to Tusla, do not delay.

## 6.1 CONFIDENTIALLY

In matters of child abuse, an employee/volunteer of Burren Sonas Kindergarten will never promise to keep secret any information which is divulged by a child. It will be explained to the child/young person that this information cannot be kept secret but only those who need to know in order to safeguard the child, will be told.

When reporting any case of alleged/suspected abuse the principle of confidentiality applies. The information will only be shared on a 'need to know' basis which means sharing information with persons who have a need to know in order to safeguard a child/young person and is not a breach of confidentiality and the number of people that need to be informed will be kept to a minimum.

If an employee/volunteer at Burren Sonas Kindergarten has any doubt as to whether a report should be made, he/she will consult with the Designated Liaison Person.

## 6.2 RECORD KEEPING

Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by Burren Sonas Kindergarten Designated Liaison Person. Information will include, details of the concern, who raised it, who was contacted, details about informal consultation, any action taken, details about informing parents. If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made. Records relating to child protection and welfare issues will be kept indefinitely.

Children First: National Guidance for the Protection and Welfare of Children states that if a Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken:

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

The worker or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the Protections for Persons Reporting Child Abuse Act 1998.

Records should be factual and include details of contacts, consultations and any actions taken. Key points when maintaining child protection records:

- o All agencies dealing with children must cooperate in the sharing of records with Tusla where a child protection or welfare issue arises. An example of this could be information needed for a Child Protection Conference or Strategy Meeting or information important for the assessment of risk to a child (see the Key Practice Point on mandated assisting earlier in this section).
- o Ensure that records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation.
- o Records should only be used for the purpose for which they are intended.
- o Records should only be shared on a need to know basis in the best interests of the child/young person.
- o Child protection records should be updated as required and reviewed regularly by the Designated Liaison Person.

## **7. RECRUITMENT AND CHILD PROTECTION**

All advertisements, screening and recruitment for vacant posts within the service will reflect our commitment to equality. We will ensure that interviewers conduct interviews in a non-discriminatory way. Interviews will be undertaken by a minimum of two representatives of Burren Sonas Kindergarten using an agreed set of questions. All applicants will be provided with:

- Details of Burren Sonas Kindergarten
- A Job Description and Person Specification
- An Application Form.
- A minimum of two references (one from the most recent employer) will be taken up followed by telephone reference check prior to any staff member/volunteer commencing in Burren Sonas Kindergarten. References will only be accepted in writing and no references from family or relatives will be accepted.

Successful candidates will be offered a Contract of Employment in accordance with Employment legislation requirements and each contract will include a probationary period. All employees' contracts will include signing up to Burren Sonas Kindergarten Child Protection Policy. Training in Child Protection and Children First will be sought for all employees.

These guidelines will apply both to the recruitment of new employees and to the selection of internal candidates for promotion or job change.

Burren Sonas Kindergarten will not employ, contract or involve as a volunteer, any person to work with children or young adults who has a criminal conviction for violent crime, sexual crime, drugs related offences, or any other offences deemed inappropriate in relation to work with children.

All workers employed, contracted to work, or volunteering to work with children through Burren Sonas Kindergarten will be required to sign a declaration form outlining any previous criminal convictions and granting permission for vetting from An Garda Síochána to be sought. Garda Vetting will be undertaken for all managers, staff and volunteers.

All references, qualifications, vetting, CVs and training information will be stored in a staff file, which will be retained as per Burren Sonas Kindergarten Data Retention Policy.

## **8. GUIDELINES FOR MANAGEMENT OF STAFF**

Burren Sonas Kindergarten engages in ongoing support and supervision for all staff members. Formal support and supervision meetings take place monthly or more frequently if the workload requires it. Informal support and supervision are available to all staff as requested or as required. Full Team Meetings take place a minimum of twice per year. Individual teams meet fortnightly as work demands require.

All staff undergo an induction process, which includes induction on this Child Protection Policy, and each staff member will confirm in writing that the induction process has taken place.

Burren Sonas Kindergarten Child Protection Policy will be rolled out to existing staff through an in-house training programme. On-going training will be provided following annual review or statutory/guideline changes.

## **9. ALLEGATIONS AGAINST AN EMPLOYEE/ VOLUNTEER**

An allegation of abuse may relate to a person who works with children who has:

- o Behaved in a way that has or may have harmed a child/young person;
- o Possibly committed a criminal offence in relation to a child/young person;
- o Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person;
- o Behaved in a way that is contrary to the organisation's code of behaviour for workers and
- o volunteers;
- o Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a worker/volunteer in your organisation you must ensure that everyone involved is dealt with appropriately and in accordance with the organisation's guiding principles and child safeguarding procedures, the rules of natural justice and any relevant employment law. The organisation has a dual responsibility in respect of both the child/young person and the worker/volunteer.

There are two separate procedures to be followed:

1. The reporting procedure to Tusla in respect of the child/young person and the alleged abuser;
2. The internal personnel/HR procedure for dealing with the worker/volunteer.

The priority is to protect the child/young person while taking account of the worker/volunteer's right to due process.

- o *It is recommended that the same person should not have responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.*
- o *The agreed reporting procedure should be followed by mandated persons and/or the OLP. Generally, the owner/chairperson of the board will manage procedures relating to employment issues (including any internal investigation).*
- o *Any action taken should consider the applicable employment contract and the rules of natural justice.*
- o *When an allegation is made against a worker/volunteer a quick resolution should be sought for the benefit of all concerned.*
- o *The procedures for dealing with allegations of abuse against workers/volunteers should be objectively applied in a consistent manner.*
- o *All stages of the process must be recorded.*
- o *Care must be taken by the employer to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.*
- o *Close liaison should be maintained between the employer and Tusla and An Garcia Sfochana (where appropriate).*

#### Reporting allegations of abuse made against workers/volunteers to Tusla

The agreed reporting procedure should always be followed by mandated persons and/or the OLP. In addition:

- o *The Owner must be alerted to the allegation by the reporter, whether mandated person or OLP;*
- o *The first priority is for the safety of the child/young person; management must make sure no child or young person is exposed to unnecessary risk;*
- o *Parents/guardians should be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made. Tusla's National Policy and Procedure for Responding to Allegations of Abuse and Neglect will be applied by Tusla when assessing allegations of abuse made against workers or volunteers.*

#### Internal personnel procedures for dealing with the worker/volunteer

- o *The organisation's disciplinary procedures should ensure that fair procedure is followed and take account of the employment contract as well as the rules of natural justice:*

- o *In making an immediate decision about the worker's/volunteer's presence in the organisation, the Owner should as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person; 'protective measures' do not presume guilt.*
- o *The Owner/employers should privately inform the worker/volunteer that an allegation has been made against him or her and the nature of the allegation.*
- o *The worker/volunteer should be afforded an opportunity to respond. The Owner/employer should note the response and pass on this information if making a formal report to Tusla. The worker/volunteer should be offered the option to have representation at this stage and should be informed that any response may be shared with Tusla.*
- o *While Tusla will not provide advice on employment matters, advice and consultation with regard to risk to children/young people can be sought from the local Tusla social work office*
- o *The Owner/employers should ensure that a action taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Siochana. The organisation should liaise closely with the investigating bodies to ensure this.*
- o *The requirements of fair procedure and natural justice mean that Tusla usually will not share the detail of any assessment regarding allegations of abuse against a worker/volunteer until the worker/volunteer has had an opportunity to fully respond to the allegation and any findings and decisions of Tusla.*
- o *Disciplinary procedures should be followed by the organization.*

## **10. CODE OF BEHAVIOUR**

- *All employees and volunteers of Burren Sonas Kindergarten will make themselves aware of Burren Sonas Kindergarten ethos, vision and mission and must be familiar with the Child Protection Policy and Safeguarding Policy and sign up to each of these*
- *Parents/Guardians of children will be informed of our policy and procedures*
- *Burren Sonas Kindergarten Has appointed a Designated Liaison Person (Relevant Person) to deal with any complaints or issues arising which concern the safety or welfare of any child / young person (see above for identity of the Designated Liaison Person). This person is appropriately trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse*
- *Staff at Burren Sonas Kindergarten show respect and understanding for the rights, safety and welfare of the children and young people.*
- *Employees and volunteers will avoid working in isolation with children and favouritism.*
- *Burren Sonas Kindergarten respects and promotes the principles of equality and diversity and works with all children in a culturally sensitive way within the context of the Irish Constitution and law and the UN Convention on the Rights of the Child.*

Notification of our policy and any changes devised will be displayed within Burren Sonas Kindergarten.

## II. APPENDICES:

*Children First: National Guidance for the Protection and Welfare of Children  
Developing a Child*

*Protection and Welfare Policy: A Resource for Early Years Services Our Duty to  
Care*

### Appendix I:

What is the threshold for making a report?

As a mandated person, under the legislation you are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed, to the Authorised Person within Tusla.

### Definition of Harm:

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

"Harm" 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

### 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 you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have 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 you must report to Tusla un

Under the Children First Act 2015, 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 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 you must report to Tusla under the Children First Act 2015, 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, 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 under the Sexual abuse to be reported under the Children First Act 2015 [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 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 3 of Children First: Guidance for the Protection and Welfare of Children.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined here.

Signed: \_\_\_\_\_ Erin Gardner  \_\_\_\_\_  
ERIN GARDNER, CHAIRPERSON OF THE BOARD OF MANAGEMENT,  
BURREN SONAS KINDERGARTEN, KILFENORA, COUNTY CLARE.  
Date: \_\_\_\_\_ 01.08.2024 \_\_\_\_\_

For further information of this Statement, please contact Relevant Person: Avery McGuire :  
085 820 5284 / a.mcguire10@gmail.com