



Galway Arts Centre
Child and Vulnerable Adult Protection Policy
2025-2027

Date Approved:	06 may 2025
Approved By:	Board of Directors of Galway Arts Centre
Version Number:	4
Review Date:	06 May 2027

47 Dominick Street Lower, Galway
info@galwayartscentre.ie
(091) 565 886

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1. Child and Vulnerable Adult Protection Policy Statement

Galway Arts Centre is committed to a person-centred approach to our work with children, young people and vulnerable adults. We undertake to provide a safe environment and experience, where the welfare of the child, young person and vulnerable adult is paramount. 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*, *Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures*, published by the Health Service Executive, the *United Nations Convention on the Rights of the Child*, the *United Nations Convention on the Rights of People with Disabilities* and current legislation such as the *Children First Act 2015*, *Protections for Persons Reporting Child Abuse Act 1998*, *National Vetting Bureau Act 2012*.

Guiding Principles

1. Our priority is to ensure that the welfare and safety of every child, young person and vulnerable adult who engages with our programme is paramount;
2. All children, young people and vulnerable adults have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background;
3. We are committed to upholding the rights of every child, young person and vulnerable adult who engages with our programme including the rights to be kept safe and protected from harm, listened to and heard;
4. Our guiding principles apply to everyone in our organisation who must sign up to and abide by these guiding principles and child and vulnerable adults safeguarding procedures: board of directors; all paid staff including contractors, Facilitators and Community Employment Scheme participants and; volunteers and interns;
5. Workers/volunteers must conduct themselves in a way that reflects the principles of our organisation;
6. Our guiding principles and procedures to safeguard children, young people and vulnerable adults reflect national policy and legislation, which will be reviewed every two years or sooner if necessary due to service issues or changes in legislation or national policy.

Activities

We provide the following services/activities to children, young people and vulnerable adults:

- Annual programme of exhibitions, theatre productions and multi-disciplinary events in two venues; 47 Dominick Street Lower and Galway Arts Centre at Nuns Island Theatre
- School visits to Galway Arts Centre at 47 Dominick Street Lower, Nuns Island Theatre and occasional off-site venues
- Galway Youth Theatre workshops for ages 15-24, stage theatre productions and youth theatre programmes with schools and groups in the community
- Red Bird Youth Collective workshops for ages 15-24 and publicly presented work
- Cúirt International Festival of Literature publicly presents work for children and young people and facilitates workshops, both in schools and in venues in Galway City
- Fighting Words engages with school groups in our venues and in schools

Basis of the Policy and Relevance of the Children First Act

The Children First Act 2015 defines a “Relevant Services” and specifically provides that it includes:

“Any work or activity which consists of the provision of educational, research, training, cultural, recreational, leisure, social or physical activities to children, and the care and supervision of children.”

Accordingly, Galway Arts Centre as a provider of a relevant service must ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service.

Galway Arts Centre wishes to support and protect everyone working in the organisation and the guidelines in this policy will ensure that there is no doubt over responsibilities, obligations and standards. The following controls are covered in this policy:

- Key Roles in Safeguarding
- Code of Behaviour for Staff and Volunteers
- Procedures for Reporting of Child Protection or Welfare Concerns
- Confidentiality and Record Keeping
- Recruitment and Selection of Staff
- Managing and Supervising Staff
- Allegations of Misconduct or Abuse by Staff
- Complaints and Comments
- Incidents and Accidents

Galway Arts Centre’s Child Protection and Vulnerable Adults Policy will be made accessible to all users of Galway Arts Centre with a copy being available in a prominent place on site and available on the company website. This policy will be reviewed and updated every two years or sooner if necessary due to service issues or changes in legislation or national policy.

2. Legislative Provisions

In addition to *Children First: National Guidance for The Protection and Welfare of Children* (DYCA 2017) and *Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures* published by the Health Service Executive, the following are the key legislative provisions governing the rights of children, young people and vulnerable adults, and their protection and the protection of those reporting Abuse Concerns. Galway Arts Centre will regularly review and check this policy in relation to all relevant legislation, case law, regulation and standards.

Child Care Act 1991

<https://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html>

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

Protections for Persons Reporting Child Abuse Act 1998

<https://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html>

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

This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie).

Criminal Justice Act 2006

<https://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/print>

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012

<https://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html>

Under this Act, it is a criminal offence to withhold information about 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 help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

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

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016

<https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

Under these 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 offences and 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 National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

Children First Act 2015

<https://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html>

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

Criminal Law (Sexual Offences) Act 2017

<https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

This Act 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.

Data Protection Acts, and General Data Protection Regulation (GDPR) 2018

<https://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/html>

The Data Protection Acts apply to the processing of personal data. The Acts provide 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 the individual, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep is collected fairly, is accurate and up to date, is kept for lawful purposes and is not used or disclosed in any manner incompatible with such purposes. It also requires both data collectors 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 the data relates to.

Additional Legislative Provisions

- Health and Safety at Work Regulations
- Freedom of Information Act, 2014
- Domestic Violence Act, 1996
- Non-Fatal Offences Against the Person Act, 1997

3. Key Safeguarding Roles and Responsibilities

The safety and welfare of children, young people and vulnerable adults is everyone's responsibility. There are a number of key roles who support safeguarding of children and vulnerable adults.

Role of Tusla

In January 2014, the Child and Family Agency/Tusla (hereinafter referred to as Tusla) became an independent legal entity, comprising HSE Children and Family Services, the Family Support Agency and the National Educational Welfare Board as well as incorporating some psychological services and a range of services responding to domestic, sexual and gender-based violence.

Tusla has statutory responsibility for the protection and welfare of children and An Garda Síochána has responsibility for the investigation of suspected criminal offences. Any person involved with a child/young person may also be in position to play a key role in safeguarding children.

Role of HSE / Adult Safeguarding Teams

The Health Service Executive (HSE) has overall responsibility for adult safeguarding. The HSE's Safeguarding and Protection Teams (SPTs) operate regionally and are responsible for responding to concerns that an adult may be at risk of abuse, harm, or neglect.

Where appropriate, safeguarding concerns should be referred to the relevant Safeguarding and Protection Team via the HSE Safeguarding Vulnerable Persons at Risk of Abuse Policy. These teams:

- Provide advice and guidance on handling safeguarding concerns;
- Assess reported concerns and determine the appropriate level of response;
- Support multi-agency collaboration where needed;
- Ensure that safeguarding actions are person-centred and respect the adult's will and preferences, in line with their capacity;
- Promote preventative approaches and safeguarding awareness in services.

Staff must work in partnership with the HSE to ensure that concerns are addressed appropriately, and that the rights, dignity, and safety of adults at risk are upheld at all times.

Designated Liaison Persons

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 is responsible for dealing with child protection and welfare concerns in accordance with Children First 2015. The Deputy DLP of Galway Arts Centre will undertake the below duties when the DLP is on leave or is unavailable for a long period of time.

The Designated Liaison Person in Galway Arts Centre has the ultimate responsibility for ensuring that the Child and Vulnerable Adults protection and welfare policy is promoted and implemented.

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

- Ensure that Galway Arts Centre’s reporting procedure is followed, so that children and vulnerable adults 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 Galway Arts Centre, using the Child Protection and Welfare Report Form or make a formal report of a safeguarding concern regarding a vulnerable adult to the HSE Safeguarding and Protection team.
- Inform the child’s parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, 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 Síochána, as appropriate.
- Where requested, jointly report with a mandated person.

Name	Responsibility	Email
Tara O’Connor	Designated Liaison Person	tara@galwayartscentre.ie
Siobhán Singleton	Deputy Designated Liaison Person	siobhan@galwayartscentre.ie

Mandated Persons

Mandated persons are people who have contact with children and/or families who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm. Mandated persons include key professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. See Appendix 1 for a full list of people who are classified as mandated persons under the *Children First Act 2015*.

A list of mandated persons is maintained by Galway Arts Centre and each of these individuals has received Child Protection training and is aware of their legal obligations under the *Children’s First Act 2015*.

All mandated persons in Galway Arts Centre, 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 Galway Arts Centre 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 and Vulnerable Adult Protection Policy and Safeguarding Statement of Galway Arts Centre. 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. _____
2. _____
3. _____
4. _____
5. _____

4. Code of Behaviour for Staff and Volunteers

Recognised code of behaviour for Galway Arts Centre staff is categorised under the following headings:

1. Child-centred approach
2. Good practice
3. Inappropriate behaviour
4. Health and Safety

Child-Centred and Person-Centred Approach

In keeping with the commitment to a child/person centred approach Galway Arts Centre staff will:

- Treat all children and vulnerable adults equally;
- Listen to and respect children and vulnerable adults;
- Involve children and vulnerable adults in decision-making, as appropriate;
- Provide encouragement, support and equal praise (regardless of ability);
- Use appropriate language;
- Encourage a positive atmosphere;
- Offer constructive criticism when needed;
- Treat all children and vulnerable adults as individuals;
- Respect a child's and a vulnerable adult's personal space;
- Discuss boundaries on behaviour and related sanctions, as appropriate, with children and vulnerable adults and their primary carers;
- Agree group contact before beginning sessions;
- Encourage feedback from the group;
- Use age-appropriate and ability-appropriate teaching aids and materials;
- Lead by example;
- Be cognisant of a child or a vulnerable adult's limitations, i.e. medical conditions;
- Create an atmosphere of trust; and
- Respect differences of ability, culture, religion, race and sexual orientation.

Good Practice

Galway Arts Centre will adopt the following good practice:

- Register the primary carer of each child /young person, or vulnerable adult as appropriate, participating in a Galway Arts Centre activity (consent form including name, address, phone, special requirements, attendance, emergency contact), as they are leaving their children or the vulnerable adult for whom they care for in the care of Galway Arts Centre staff for the duration of the workshop;
- Make primary carers, children/young people, vulnerable adults, visitors and facilitators aware of the Child Protection and Vulnerable Adult Policy and Procedures;
- Request primary carers to supervise the children, or vulnerable adults in their care at all times;
- Require facilitators and others working with children and vulnerable adults at Galway Arts Centre who are non Galway Arts Centre staff to be made aware of and accept Galway Arts Centre's Child Protection and Vulnerable Adult Policy, as well as signing a Declaration Form (Appendix 6);

- Set out clearly for young people requesting work experience the exact nature of the placement, the place and conditions of work and ensure that he/she is comfortable with the proposed arrangements before commencement;
- Ensure that parental/guardian consent is granted for young people who undertake work experience at Galway Arts Centre;
- Have procedures in place for emergencies and make all staff aware of these procedures (as carried out at Health and Safety/Induction for new Galway Arts Centre staff);
- Be inclusive of children and young people with special needs;
- Be inclusive of vulnerable adults;
- Report any concerns to Galway Arts Centre's Designated Liaison Person ensuring reporting procedures are followed;
- Encourage children and vulnerable adults to report any bullying, concerns or worries;
- Ensure that Galway Arts Centre staff are aware of the anti-bullying policy (Appendix 7);
- Observe appropriate dress and behaviour;
- Have appropriate work practices in place and evaluate them on a regular basis;
- Provide appropriate training for staff and volunteers;
- Report and record any incidents and accidents (Appendix 5);
- Update and review relevant policies and procedures regularly;
- Inform primary carers of any issues that concern their children;
- Ensure proper Galway Arts Centre supervision, based on adequate ratios, according to age, abilities and activities involved;
- Ensure, as appropriate, that primary carers are present at all educational sessions/workshops;
- Have an active policy in relation to concerns around child protection and vulnerable adults;
- Respond promptly to concerns; and
- Maintain awareness of child protection issues when engaging with children and young people and in particular, around language and comments made.

Inappropriate Behaviour

Staff will behave appropriately and follow the following guidelines:

- Never spend time alone with children or vulnerable adults without the knowledge of other staff members;
- Never use or allow offensive or sexually suggestive physical and/or verbal language;
- Never single out a particular child or vulnerable adult for unfair favouritism, criticism, ridicule, or unwelcome focus or attention;
- Never socialise with children or vulnerable adults participating with/visiting Galway Arts Centre outside of structured Galway Arts Centre activities;
- Never make contact with/interact with children or vulnerable adults participating with/visiting Galway Arts Centre on any social media platform unless agreed by management in advance;
- Never allow/engage in inappropriate touching of any form;
- Avoid physical contact with children or vulnerable adults (except in an emergency or a dangerous situation);
- Never hit or physically chastise a child or vulnerable adult;
- Never verbally chastise a child in an aggressive manner; and
- Never engage in horseplay.

Health and Safety

- Don't leave children or vulnerable adults unattended or unsupervised;
- Management of any dangerous materials as per Health and Safety Policy;
- Provide a safe environment; and
- Be aware of the accident procedure and follow accordingly (Appendix 5).

5. Procedures for Reporting Child Protection or Welfare Concerns

Recognising Harm: Categories and Indicators of 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 their 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 their 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 deprived of intellectual stimulation”.

Examples may include:

- 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

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 their 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 themselves 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 Síochána

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-

- 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
- 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’.
- c) The above are some of the examples of abuse for more information see section 2 of Children First.

Complicating Factors Which May Make Children More Vulnerable to Harm

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with 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.

The following list is intended to help you identify the range of issues in a child’s life that may place them at greater risk of abuse or neglect. It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or carer factors:

- 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:

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

Community factors:

Community Factors include cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this

jurisdiction. Culture-specific practices can include:

- Female genital mutilation
- Forced marriage
- Honour-based violence
- Radicalisation

Environmental factors:

- 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

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

Identifying Reasonable Grounds for Concern

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 from emotional or physical neglect;
- a Child saying or indicating by other means that he or she has been abused;
- admission or indication by an adult or child of an alleged abuse they committed or;
- an account from a person who saw the child being abused.

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.

Responding to Concerns: Reporting Procedures

All staff and volunteers (including Mandated Persons) at Galway Arts Centre 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* as outlined in Appendix 4.

The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on 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.

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 DLP as appropriate.

The board of management of Galway Arts Centre 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.

Emergencies

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 Síochána.

Contact Details:	
Tusla Duty Social Work	Child and Family Agency 25 Newcastle Road Galway 091 546235
An Garda Síochána	An Garda Síochána Galway Garda Station Mill Street Galway 091 538000

Reporting Procedures for 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 (Appendix 4). 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). 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 a 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 a 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 the 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 DLP.

The Mandated Person may submit the report to Tusla solely, however, the DLP 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 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 and;
- Treat the information confidentially.

Retrospective Disclosures

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). The service can be accessed either through healthcare professionals or by way of self-referral.

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 DLP or Tusla duty social worker.
- Remember if a report needs to be made to Tusla, do not delay.

Recording Non-Reportable Concerns

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

However, these suspicions should be recorded or noted internally by Galway Arts Centre and kept by the Designated Liaison Person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for the statutory child protection agency or An Garda Síochána.

If the Designated Liaison Person, on behalf of Galway Arts Centre, decides that reasonable grounds for reporting the incident or suspicion to the health board or An Garda Síochána do not exist, the individual worker who referred the matter should be given a clear written statement of the reasons why Galway Arts Centre is not taking action.

Third Party Concerns

Concerns about a child that are reported anonymously should be followed up fully in accordance with HSE standard procedures. If the report has been made through a third party, the person mediating should be requested to facilitate contact between the original person who reported the concern and the Child and Family Agency. If, however, contact is not facilitated, for whatever reason, the concerns reported via the third party must be fully investigated.

Legal Protection for Reporting

The *Protections for Persons Reporting Child Abuse Act, 1998* makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of the HSE 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.

Consequences of Failure to Report

Galway Arts Centre will ensure that procedures are in place, and regularly reviewed, to ensure that any incidents are recorded, reported appropriately, and that there will be sanctions for failure in following such procedures.”

Section 176 of the *Criminal Justice Act, 2006* introduced the criminal charge of reckless endangerment of children. It states: ‘A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by:

- 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
- 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.’

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

Confidentiality

In matters of child abuse, an employee/volunteer of Galway Arts Centre 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 Galway Arts Centre has any doubt as to whether a report should be made, they will consult with the Designated Liaison Person.

6. Procedures for Reporting Vulnerable Adult Welfare Concerns

Currently, there are no national statutory guidelines in the Republic of Ireland in relation to safeguarding vulnerable adults similar to those that are available in relation to protection of children and young people (Children First). Nor is there a specific classification of crime in terms of age or vulnerability. Incidents of physical and sexual assault, fraud and financial exploitation are crimes and should be reported to the Gardaí. In the case of Sexual Offences involving people with disabilities, specific provision is contained in Section 5 of the *Criminal Law (Sexual Offences) Act 1993*. Ireland is a signatory to the *UN Convention on the Rights of Persons with Disabilities*.

Abuse of vulnerable adults can constitute the physical, psychological, emotional, financial or sexual maltreatment or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time, it may take one form or a multiple of forms. The lack of appropriate action can also be a form of abuse.

Key Principles in Vulnerable Adult Protection and Welfare

- Citizenship confers a status on an individual whereby their fundamental right to dignity and respect and other basic human rights as well as their rights to participation in society are upheld and supported by the Constitution, by Ireland's human rights treaty commitments and by the laws of the State.
- Person centredness is that principle which places the person as an individual at the heart and centre of any exchange requiring the provision or delivery of a service. Services are organised around what is important to the person from his / her perspective.
- Empowerment is that principle which recognises the right of the individual to lead as independent a life as possible and that supports the individual in every practical way to realise that right.
- Self directedness recognises the right of the individual to self-determination to the greatest extent possible including where this entails risk. Abiding by this principle means ensuring that risks are recognized, understood and minimised as far as possible, while supporting the person to pursue their goals and preferences.
- In accordance with the principles set out in this policy, it is recognised that adults have the right to self-determination and to make decisions, even if this means that they remain at risk. Where there are concerns regarding diminished capacity, consideration should be given to requesting a specialist assessment of the person's decision-making capacity in the context of the abuse allegations and the risk posed to the person.
- Equity should be applied in relation to transactions with and services to vulnerable adults. Resources and services should be provided to vulnerable people on the basis of need, using the principle of proportionality.
- Safeguarding best interest recognises the vulnerability of individuals where they are unable to make their own decisions and / or protect themselves, their assets or their bodily integrity and ensures appropriate and accountable protection for them

Definition of a Vulnerable Adult

A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves, or protect themselves from harm or from being exploited. This may be because they have a disability (either mental health, intellectual or physical), a sensory impairment, are old

and frail, or have some other form of illness.

Definition of a vulnerable person for the purposes of Garda vetting

The *Garda Vetting Bureau (children and vulnerable persons) Act 2012* defines a vulnerable person as a person, other than a child, who

- a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- b) has an intellectual disability,
- c) is suffering from a physical impairment, whether as a result of injury, illness or age,

or

- d) has a physical disability, which is of such a nature or degree—
 - i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
 - ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Recognising Harm: Definitions of Vulnerable Adult Abuse

Vulnerable adult abuse is any mistreatment that violates a person's human and civil rights. The abuse can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

A vulnerable adult may be subjected to more than one form of abuse at any given time.

Physical abuse such as hitting, pushing, pinching, shaking, misusing medication, scalding, restraint, hair pulling.

Sexual abuse such as rape, sexual assault, or sexual acts to which the vulnerable adult has not or could not have consented, or to which they were pressurised into consenting.

Psychological or emotional abuse such as threats of harm or abandonment, being deprived of social or any other form of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, being prevented from receiving services or support.

Financial or material abuse such as theft, fraud or exploitation, pressure in connection with wills, property, or inheritance, misuse of property, possessions or benefits.

Neglect such as ignoring medical or physical care needs and preventing access to health, social care or educational services or withholding the necessities of life such as food, drink and heating.

Discriminatory abuse such as that based on any of the nine grounds under the Equal Status Act including gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of the traveller community, or other forms of harassment and slurs.

Institutional abuse can sometimes happen in residential homes, nursing homes, hostels, or hospitals when people are mistreated because of poor or inadequate care, neglect and poor practice that affects the whole of that service.

Domestic abuse refers to the use of physical or emotional force or threat of physical force, including sexual violence in close adult relationships. This includes violence perpetrated by a spouse, partner, son or daughter or any other person who has a close or blood relationship with the victim. The term ‘domestic violence’ goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other potential sources of support; threats to others including children; stalking; and control over access to money, personal items, food, transportation and the telephone.

Elder Abuse is defined as "A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights." 65 years of age is taken as the point beyond which abuse may be considered to be elder abuse. Concerns in relation to elder abuse should be reported to the relevant Public Health Nurse or to the HSE Senior Case Worker for the Protection of Older People.

Barriers for Vulnerable Persons Disclosing Abuse

Barriers to disclosure may occur due to some of the following:

- Fear on the part of the service user of having to leave their home or service as a result of disclosing abuse.
- A lack of awareness that what they are experiencing is abuse.
- A lack of clarity as to whom they should talk.
- Lack of capacity to understand and report the incident.
- Fear of an alleged abuser.
- Ambivalence regarding a person who may be abusive.
- Limited verbal and other communication skills.
- Fear of upsetting relationships.
- Shame and/or embarrassment.

Responding to Concerns: Reporting Vulnerable Adult Concerns

If you are concerned about the protection or welfare of a vulnerable adult, contact the Designated Liaison Person. It is recognised that adults have the right to self-determination and to make decisions, even if this means that they remain at risk. Where there are concerns regarding diminished capacity, consideration should be given to requesting a specialist assessment of the person’s decision making capacity in the context of the abuse allegations and the risk posed to the person.

Reporting Procedure for Staff and Volunteers

Following a disclosure of abuse, staff/volunteers should:

- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed. The Incident Report Form is available for this purpose (Appendix 5).
- Record the event, sign and date all reports and indicate the time the notes were made.

- Ensure that the information is treated with the utmost confidence.
- Allegations should not be investigated by employees/volunteers.
- Staff/volunteers should pass that report to the Designated Officer.

Under no circumstances should a vulnerable adult be left in a situation that exposes them to harm or to risk of harm.

Reporting Procedure for the Designated Liaison Person

When the Designated Liaison Person receives a report about suspected or actual abuse, they should consider the wishes of the vulnerable adult and if there are reasonable grounds for reporting to the Statutory Authorities. This will mean:

- Clarifying or getting more information about the matter;
- Consulting with the vulnerable adult to hear his/her wishes etc;
- Where there is any doubt or uncertainty, consulting with the Statutory Authorities to obtain their advice on the situation;
- Where there are concerns about the diminished capacity of the vulnerable adult, considering assessment of decision making capacity in the context of the abuse allegations and the risk posed to the person;
- Making a formal referral to the Statutory Authorities

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions will be recorded internally by the Designated Liaison Person, as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for Statutory Authorities. A full written record of all decisions will be maintained by the Designated Liaison Person. In an emergency, where a person is at immediate risk, you should contact the Garda Síochána or Emergency Services on 999 or 112.

How to Respond to a Disclosure of Abuse

A vulnerable adult may carefully select a person to confide in. That chosen person will be someone they trust and have confidence in. It is important that a vulnerable adult who discloses abuse feels supported and facilitated in what may be a frightening and traumatic process for them. A vulnerable adult may feel perplexed, afraid, angry, despondent and guilty. It is important that any negative feelings they may have are not made worse by the kind of response they receive. A vulnerable adult who divulges abuse has engaged in an act of trust and their disclosure must be treated with respect, sensitivity, urgency and care.

It is of the utmost importance that disclosures are treated in a sensitive and discreet manner. Anyone responding to a vulnerable adult making such a disclosure should take the following steps:

- Take what the vulnerable adult says seriously.
- React calmly, as over-reaction may intimidate the vulnerable adult and increase any feelings of guilt that they may have.
- Reassure the vulnerable adult that they were correct to tell somebody what happened.
- Listen carefully and attentively.
- Never ask leading questions.

- Use open-ended questions to clarify what is being said and try to avoid having them repeat what they have told you.
- Do not promise to keep secrets.
- Advise that you will offer support but that you must pass on the information.
- Do not express any opinions about the alleged abuser to the person reporting to you.
- Explain and make sure that the vulnerable adult understands what will happen next.
- Do not confront the alleged abuser.

Confidentiality and Consent

All information concerned with the identification and reporting of vulnerable adult abuse is subject to best practice guidance on confidentiality. Where a vulnerable adult has capacity, their consent should be sought prior to disclosing information to another agency / Statutory Authorities.

The consent of the vulnerable adult should be sought prior to reporting any matter to the civil authorities and onto family and care service providers. Sometimes adults do not want civil authorities to take action to investigate or protect them from harm; People have a right to make such choices about reporting; however if a criminal act is suspected, it must be reported to the civil authorities. If upon receipt of the concern, where the vulnerable adult does not give consent to reporting, and it is not clear that a criminal act has taken place, and where the designated person believes that others may also be at risk of harm, consultation should take place with the civil authorities as to the best course of action, in the absence of consent from the alleged victim.

In considering the capacity of the vulnerable adult to give consent, the following factors should be taken into account:

- The adult has the capacity to understand what is being asked of him/her
- Sufficient information is given, in a way that the person understands, to enable him/her to make an informed decision
- Consent is not received through any form of coercion

If the vulnerable adult is unable to give informed consent, discussions should take place with their carer/guardian/close family about reporting concerns/allegations and, where appropriate, discussions should also take place with any medical or social work personnel. There may need to be a determination as to who can give consent on behalf of the vulnerable adult; in some instances there may already be provision in place; consultation may be required with legal advisers and statutory personnel.

Please note the designated person should not make determinations around capacity to give consent, without consultation with appropriately trained and skilled personnel.

7. Internal Procedures

Record Keeping

Written records will be kept of all child and vulnerable adult protection concerns (including those not reported to Tusla) and these will be managed by Galway Arts Centre's 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 or vulnerable adult has been abused or neglected, a written record will be made.

Incidents of abuse may only come to light after a long period of time, in some cases many years. The long-term security of relevant documents and related correspondence including those mentioned above is of crucial importance should allegations of abuse arise. All such documents will be securely retained for a minimum of 50 years.

Documents containing personal data (as defined in the *Data Protection Act 2018* or any subsequent legislation that specifically replaces this act) should be securely retained 'for as long as necessary'. Galway Arts Centre will retain required documentation for no less than 50 years to ensure that the documents are available in the event of an allegation of abuse arising. In accordance with the current Data Protection Act interpretation, such documents will be reviewed periodically to ensure that the information is still necessary as claims may be a possibility.

Any individuals mentioned in the documents will be notified that information about them may be held for a long period of time as part of a safeguarding risk management programme.

In addition, storage provisions for all such documents will be arranged in the event the organisation ceases operation/trading with Murtagh and Co. Chartered Accountants.

Documentation that will be stored for a minimum of 50 years include:

1. A copy of each version of our safeguarding policy and assessments and the dates each version applied including revisions.
2. Training records delivered to personnel.
3. Records of abuse allegations or incidents including notification to the appropriate authorities.
4. Copies of relevant information and accompanying correspondence relating to abuse of children and vulnerable adults while in our care or our organised activities.
5. Record of our public liability insurance policies.
6. Reference numbers, details of persons vetted and the date of vetting for all checks completed by the National Vetting Bureau.

Recording Non-Reportable Offences

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 Síochána.

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*.

Maintaining Records on Children and Vulnerable Adult protection

- 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.
- Ensure that records on child and vulnerable adult protection concerns, allegations and disclosures are kept securely and safely within the organisation.
- Records should only be used for the purpose for which they are intended.
- Records should only be shared on a need-to-know basis in the best interests of the child, young person or vulnerable adult.
- Child and Vulnerable Adult protection records should be updated as required and reviewed regularly by the Designated Liaison Person.

Management of Staff and Safeguarding

Recruitment Policy

All advertisements, screening and recruitment for vacant posts within Galway Arts Centre 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 Galway Arts Centre using an agreed set of questions. All applicants will be provided with:

- Details of Galway Arts Centre
- A Job Description and Person Specification
- Information on the Application Process

A minimum of two references (one from the most recent employer) will be taken up followed by a telephone reference check prior to any staff member commencing in Galway Arts Centre.

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 Galway Arts Centre's Child and Vulnerable Adult Protection Policy. Training in Child Protection and Children's 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.

Galway Arts Centre will not employ, contract or involve as a volunteer, any person to work with children, young people or vulnerable 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 or vulnerable adults.

All workers employed, contracted to work, or volunteering to work with children and vulnerable adults through Galway Arts Centre 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 who work with children or vulnerable adults.

All references, qualifications, vetting, CVs and training information will be stored in a staff file, which will be retained as per Galway Arts Centre's Data Protection Policy.

Managing and Supervising Staff

Galway Arts Centre 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 and volunteers undergo an induction process, which includes induction on this Child and Vulnerable Adult Protection Policy, and each staff member and volunteer will confirm in writing that the induction process has taken place.

Galway Arts Centre's Child and Vulnerable Adult 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.

Allegations of Misconduct or Abuse by Staff

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

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

An allegation made against a worker/volunteer in Galway Arts Centre will be dealt with appropriately and in accordance with the organisation's guiding principles and child and vulnerable adult 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 or vulnerable adult 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 or vulnerable adult while taking account of the worker/volunteer's right to due process.

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

- The Chairperson of the Board must be alerted to the allegation by the reporter, whether mandated person or DLP;
- The first priority is for the safety of the child, young person or vulnerable adult;
- Management must make sure no child, young person or vulnerable adult is exposed to unnecessary risk;
- 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

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:

- In making an immediate decision about the worker's/volunteer's presence in the organisation, the Director, in consultation with the Chairperson of the Board, 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.

- The Director should privately inform the worker/volunteer that an allegation has been made against him or her and the nature of the allegation.
- The worker/volunteer should be afforded an opportunity to respond. The Director 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.
- 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.
- The Director should ensure that actions taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána. The organisation should liaise closely with the investigating bodies to ensure this.
- The requirements of fair procedure and natural justice mean that Tusla usually will not share the details 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.
- Disciplinary procedures should be followed by the organisation.

Complaints and Comments

Please contact us in writing with your enquiry or complaint in the first instance to info@galwayartscentre.ie or write to us at 47 Dominick Street Lower, Galway H91 X0AP.

We will respond to you within 20 working days of making your enquiry or complaint.

When writing to us please make sure you:

- include as much detail as you can about the issue
- let us know why you feel your initial enquiry was not dealt with satisfactorily
- tell us what you think should happen to resolve the complaint

If you feel your initial complaint or enquiry has not been dealt with satisfactorily, or concerns an individual member of staff, please contact Tara O’Connor, General Manager directly by email on tara@galwayartscentre.ie or through reception on (091) 565 886.

If within a further 20 working days or if you are not satisfied with the outcome of your complaint please contact Galway Arts Centre’s Director, Megs Morley by email on megsmorley@galwayartscentre.ie or through reception on (091) 565 886.

Important information – Enquiries and Complaints

If you don’t adhere to the enquiries and complaints procedure steps in order, we will re-route your complaint to the appropriate staff member, as detailed above.

The details of all enquiries and complaints will be kept confidential. However, we reserve the right to discuss your complaint with relevant staff.

Please submit your enquiry or complaint in a timely manner. We will be unable to resolve your complaint if it is regarding an issue more than 18 months ago with the exception of child protection issues.

Incidents and Accidents Policy and Procedure

It is essential that all accidents and incidents be reported. Accident/Incident data is used to identify and evaluate risks and it allows management to consider the frequency and severity of these risks, in order that effective control measures may be implemented. Failure to report accidents or incidents can result in recurrence and often consequences can be more severe when an accident re-occurs.

1. All accidents/incidents must be reported as soon as possible using the internal accident/incident report form. Staff should report directly to the Safety Officer in the event of an accident/incident however minor. The accident report file is kept in the Office where the Safety Officer will examine it on a regular basis.
2. All significant injuries to be reported to the Safety Officer within 24 hours of the occurrence of the incident.
3. All accidents resulting in lost work time must be communicated to the Manager.
4. If first aid treatment is provided the First Aider must make an entry in the First Aid file. The First Aider will record details of the incident in the accident register.
5. Accident reports should be made before the end of the day in which the incident took place.
 - a. A copy of the accident report should be made and forwarded to the Safety Officer.
 - b. Accidents resulting in personnel being absent from work for more than 3 consecutive days should be reported using form IR1 to the Health and Safety Authority by the Safety Officer. Weekends and other normal days off are included when calculating the period of absence. For Example, an employee who normally has Saturday and Sunday off work is injured on Wednesday and returns to work the following Monday, the incident is reportable.

Completed forms should be sent to:

Health and Safety Authority
10, Hogan Place,
Dublin

Accidents can also be reported through the HSA Web Page at:
www.hsa.ie

- c. Records must be kept, for a minimum of ten years, of all reportable accidents.

8. Appendices

Appendix 1: Reference Material

Children First: National Guidance for the Protection and Welfare of Children:

https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

Guidance on Developing a Child Safeguarding Statement:

https://www.tusla.ie/uploads/content/4214-TUSLA_Guidance_on_Developing_a_CSS_LR.PDF

Child Safeguarding: A Guide for Policy, Procedure and Practice (2nd Edition):

https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy_Procedure_and_Practice.pdf

Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures, published by the Health Service Executive:

<https://assets.hse.ie/media/documents/ncr/personsatriskofabuse.pdf>

Safeguarding Ireland Website:

<https://safeguardingireland.org/>

Appendix 2: Contact Details

Tusla Galway Dedicated Contact Point

Child and Family Agency
25 Newcastle Road
Galway

091 881860

Galway, Roscommon and Mayo HSE Adult Safeguarding Protection Team

Ms. Freda Quinan, La Nua, Ballybane, Castlepark Road, Galway

Phone: 091 748 432

Email: Safeguarding.cho2@hse.ie

Appendix 3: Mandated Persons

The *Children First Act 2015*, Schedule 2, provides a full list of people who are classified as mandated persons:

<https://www.tusla.ie/children-first/mandated-persons/am-i-a-mandated-person/>

What is the threshold for making a mandated 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 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 Children First Act 2015.

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. .

Appendix 4: Child Protection and Welfare Report Form

https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

Appendix 5: Incident Report Form

<https://www.galwayartscentre.ie/wp-content/uploads/2025/04/Galway-Arts-Centre-Incident-Report-Form.docx>

Appendix 6: Declaration Form

<https://www.galwayartscentre.ie/wp-content/uploads/2025/04/Galway-Arts-Centre-Declaration-Form-Child-and-Vulnerable-Adult-Safeguarding.docx>

Appendix 7: Anti-Bullying Policy

Definition of Bullying

The Health and Safety Authority's definition of bullying is that it is: "Repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity..." Bullying can be defined as repeated aggression, be it verbal, psychological, or physical, which is conducted by an individual or group against others.

Types of Bullying

Bullying can take many forms. Some types are listed below:

- **Verbal Bullying:** can leave children, young people and vulnerable adults feeling angry, frightened and powerless. If they are unable to share their feelings with someone else, verbal bullying can leave them emotionally bruised and physically exhausted. Their powers of concentration can suffer, adversely affecting their capacity for learning. Verbal attacks can be of a highly personal and sexual nature. They can be directed at the child, young person or vulnerable adult's family, culture, race or religion. Malicious rumours are particularly an insidious form of verbal bullying.
- **Physical Bullying:** often dismissed as "horseplay," "pretending" or "just a game" when challenged. While children can and do play roughly, in the case of bullying, be aware that these "games" can be a precursor to physical assaults. Both boys and girls indulge in physical bullying.
- **Gesture Bullying:** there are many different forms of non-verbal threatening gestures which can convey intimidating and frightening messages – for example, gesturing a gun to the head.
- **Exclusion Bullying:** this is particularly hurtful because it isolates the child, young person or vulnerable adult from their peer group and it is very hard for the child, young person or vulnerable adult to combat it, as this type of bullying directly attacks their self-confidence and self-image.
- **Extortion Bullying:** younger children are particularly vulnerable to extortion and bullying. Demands for money, possessions, equipment, etc. may be made, often accompanied by threats. Children, young people or vulnerable adults may also be dared or forced to steal from others, leaving them at the mercy of the bully and open to further intimidation.
- **Online Bullying:** this type of bullying uses social media websites, email and text messages to abuse, intimidate and attack others, either directly or indirectly (e.g. rumour-mongering)

Policy Statement

All staff and volunteers at Galway Arts Centre are committed to ensuring a safe and protected environment for children, young people and vulnerable adults. Bullying in any form at Galway Arts Centre is completely unacceptable.

Aim of Policy

The aim of this policy is to ensure that all children, young people and vulnerable adults are protected from bullying behaviour. It is hoped that the policy will reduce the number of children, young people and vulnerable adults who experience bullying. The policy aims to ensure that incidents of bullying will be dealt with consistently and in a fair manner by setting out the procedures for dealing with such instances.

Objectives of Policy

- To raise awareness of bullying as a form of unacceptable behaviour with staff, volunteers, children, young people, vulnerable adults and parents/guardians.
- To develop an ethos which encourages children, young people and vulnerable adults to report incidents of bullying.
- To develop systems of recording and reporting incidents of bullying behaviour.
- To develop clear procedures for investigating and dealing with incidents of bullying behaviour.
- To ensure comprehensive supervision and monitoring measures are employed for all activities with children, young people and vulnerable adults.

Procedures for Dealing with a Case of Bullying

- In any incident of bullying, a staff member should speak separately to the children, young people or vulnerable adults involved to get both sides, with due regard to the rights of each person involved.
- All reports of bullying will be recorded, informally investigated and dealt with by the programme lead or other staff member as appropriate.
- The programme lead (or other staff member as appropriate) will interview all involved in a calm manner and will seek answers to what, where, when, who and why.
- The child, young person or vulnerable adult should be praised for their courage in coming forward to report the bullying incident or behaviour.
- Reassure the child, young person or vulnerable adult that being bullied is the responsibility of bullies and they are not to blame themselves.
- Reassure the child, young person or vulnerable adult of the support of staff and volunteers at Galway Arts Centre in ensuring the bullying does not happen again.
- Staff members will at all times be sensitive to the needs of the child or young person, who may not wish it to be made known that they reported an incident of bullying.
- If the programme lead (or other staff member) dealing with the complaint concludes that bullying has taken place, then the perpetrator will be met and the incident dealt with in the following ways:
 - Parents will be informed of the incident of bullying and the outcome of any investigation.
 - For less serious incidents of bullying (e.g. name calling, gestures, etc), the child or young person will be asked to apologise to the victim and asked not to engage in any further bullying behaviour. Staff will then closely monitor the behaviour of the child, young person or vulnerable adult.
 - A report on the incident will be submitted to the Designated Liaison Person.

Procedures for Dealing with Serious Incidents of Bullying

- Serious incidents of bullying include but are not limited to assault or threats of assault, harassment, exclusion, racist or homophobic remarks.
- All serious incidents of bullying should be reported to the Designated Liaison Person (DLP) as soon as possible. The DLP should be involved at the earliest opportunity in any investigation concerning serious bullying.
- Parents will be informed of the incident of bullying and the outcome of any investigation.
- For serious incidents of bullying, where reasonable concerns are raised, the perpetrator will be suspended or excluded from the programme/activity pending an investigation. This is a 'protective measure' and does not presume guilt.
- Reasonable concerns regarding a serious incident of bullying include:
 - evidence, for example behaviour, that is consistent with bullying;
 - a Child saying or indicating by other means that he or she has been bullied;
 - admission or indication by a person of bullying that they committed or;
 - an account from a person who saw the bullying take place.
- For serious incidents of bullying, the child, young person or vulnerable adult may be permanently excluded from the programme/activity.