

# IADT Policy and Procedures for the Protection of Children and Vulnerable Adults

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<b>Purpose</b>	To outline IADT's policy for the protection of children and vulnerable adults while on campus
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<b>Who needs to know about this document</b>	President, Registrar, Heads of Faculty, Heads of Department, Programme Co-ordinators, all staff, (inc. contract staff) and students
<b>Revision History</b>	Revision of V.1 2014
<b>Policy Author</b>	Registrar
<b>Policy Owner</b>	Registrar

## 1.0 Introduction

Dun Laoghaire Institute of Art, Design and Technology (IADT) is committed to creating a community of learning whereby it aims to be at the forefront of teaching, research and innovation at the convergence of the arts, technology and enterprise.

These guidelines are intended to assist members of the IADT community who, for teaching, research or work reasons have contact with children or vulnerable adults, and who have any concerns in relation to the wellbeing and safety of children and vulnerable adults.

This document provides advice to members of the IADT community on their responsibilities in relation to the protection and welfare of children and vulnerable adults. IADT also supports the use of professional and safe practices when working with children and vulnerable adults. The guidelines are based on the “Children First: National Guidelines for the Protection and Welfare of Children” and are specific to the needs of IADT.

For the purpose of this document, the term “member of IADT community” may be a member of faculty, staff or student of IADT and those working on a voluntary or unpaid basis on behalf of IADT.

Under Irish law, a child is a person under the age of eighteen, who is not or has not been married (Child Care Act 1991).

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.

For the purpose of practice and, in as far as is possible, this document will have equal application to vulnerable adults as to children.

Children and vulnerable adults may be present on the Institute’s premises at Kill Avenue or other buildings rented by IADT such as at Foley St., Dublin 1 or at the premises of collaborative partners, or children may be under the supervision or direction of Institute staff or students in a number of circumstances, including for example:

- Registered students under the age of 18. (Persons must be a minimum of 16 on the 1<sup>st</sup> of January of year of application to a higher education institution. Therefore each year there may be small numbers of students who enter first year who are 16 or 17 years old).
- Visiting IADT campus. Examples include Open Day, sporting activities, extra-curricular activities, attending summer courses, portfolio preparation courses and non-accredited part-time courses
- Work experience placements or temporary employees
- Brought onsite by parents

- As subjects of academic research
- As participants of IADT supported activities, e.g. FÍS Project, Volunteer work, Student Clubs & Societies, etc.
- As participants of activities or events organised by other organisations who either rent/use rooms or pitches, e.g. Sporting Clubs
- As visitors for any reason, e.g. Graduate Exhibition
- Children visiting IADT from Monkstown Educate Together NS which is co-located on the IADT campus
- Where registered students are actively engaged in volunteering activities involving children

Children may be accompanied by a responsible adult, e.g. a teacher or parent, but in other circumstances they may also be unaccompanied.

## **2.0 Policy Statement**

IADT is fully committed to safeguarding the wellbeing of all children and vulnerable adults. In its policies, practices and activities, IADT will adhere to the following principles:

IADT will:

- Recognise that the protection and welfare of children and vulnerable adults is of paramount importance, regardless of all other considerations
- Fully cooperate with the relevant statutory authorities in relation to child and vulnerable adults protection and welfare matters
- Adopt safe practices to minimise the possibility of harm or accidents to children and vulnerable adults
- Fully respect confidentiality requirements in dealing with child and vulnerable adults protection matters
- Commit to provide appropriate training to staff and students in relation to the protection of children and vulnerable adults

All staff and students will be made aware of this Policy and the Institute will promote best practice in safeguarding the wellbeing of children and vulnerable adults. IADT welcomes comments from staff, children and vulnerable adults and their parents/guardians/carers in relation to this policy.

This Policy and operation of the same shall be reviewed on an annual basis by IADT's Registrar. The Institute will have a Designated Liaison Person (DLP) to implement and administer these Guidelines and act as the liaison person with relevant outside agencies.

## **3.1 Scope of the Policy**

This Policy applies to all staff and students of the Institute in all locations (including: the Institute campus or rented buildings; the campus of any other Institute/University; or such other place where staff or students may be representing the Institute or

participating in their capacity as Institute members at events such as social functions, conferences, sporting events, field trips, or work assignments which are related to the Institute, to one's work or study) and in all situations including when one communicates in person, in writing, on the telephone, by e-mail or on the internet in any Institute-related activity or situation.

It is the policy of the Institute to protect freedom of expression and intellectual enquiry for all members of the Institute and to ensure, as far as possible, that such freedoms are exercised in such a way as to not interfere with the rights of others, or breach this Policy or the laws of the State.

This document is intended to set IADT standards on the promotion of child and vulnerable adults' welfare, and the development of safe practices in work and interactions with children and vulnerable adults at the Institute.

It offers information and guidance to Institute staff and students who work with children and vulnerable adults by outlining some fundamental principles of good practice. It notes the two distinct contexts in which there are interactions with legally defined children and vulnerable adults:

- a) As students of the Institute
- b) As visitors to the Institute, unaccompanied or accompanied

It also gives information on how to recognise signs of abuse and the correct steps to take within IADT if it is suspected, witnessed or disclosed.

This document provides information so as to ensure children and vulnerable adults are not placed at risk by Institute activities; it is designed to protect both those in a position of trust and those for whom they have responsibility.

When an allegation of child and vulnerable adult abuse arises in relation to a member of the Institute, the Institute holds a dual responsibility in:

- *Safeguarding children and vulnerable adults:* This must at all times take priority. IADT will ensure that all appropriate procedures and legal requirements are followed in relation to reporting suspected child and vulnerable adult abuse to the civil authorities and will do all within its power to ensure that no child or vulnerable adult continues to be exposed to the risk of being abused.
- *Dealing with the person accused:* IADT must ensure that appropriate procedures are followed in relation to the person against whom the complaint has been made, in line with fair procedures, natural justice and a presumption of innocence, and requirements of the law until the contrary is established.
- *Protective measures:* At an appropriate stage in the process, it may be necessary to take protective measures to ensure that no alleged victim is exposed to unacceptable risk. These protective measures are not disciplinary measures and may include:

- providing an appropriate level of supervision
- placing the staff member off duty with pay pending the outcome of the investigation.

The views of the staff member should be taken into consideration when determining the appropriate protective measures to take in the circumstances but the final decision rests with management. Placing the staff member off duty pending the outcome of the investigation should be reserved for only the most exceptional of circumstances. It should be explained to the staff member concerned that the decision to place him/her off duty is a precautionary measure and not a disciplinary sanction.

## **4.0 Overarching Principles for Child and Vulnerable Adults Protection at IADT**

Given the fact that the IADT student cohort will include children and vulnerable adults:

- All staff members must familiarise themselves with this Policy and sign an Awareness of IADT child and vulnerable adult protection Guidelines form (Appendix 1). Each staff member should return the form to their Faculty Head or line manager for retention on file.
- At registration, all students must be made aware of the Institute's Policy on the protection of children and vulnerable adults. The parents of students who are under 18 at the time of registration will be written to with regard to the welfare any student under the age of 18 (see appendix 4).
- IADT students who work with children and vulnerable adults must be reminded of the Institute's Policy by the academic staff member concerned and must sign an Awareness of IADT child and vulnerable adults protection guidelines form (Appendix 1). The student must return the form to their Faculty office.

Bearing in mind these special obligations towards children and vulnerable adults and the heightened responsibility to treat all children and vulnerable adults equally, and with respect and dignity, and noting that any IADT student may be legally determined to be a child or vulnerable adult, it is advised that at all times members of the Institute community must ensure that:

- They demonstrate exemplary behaviour in the presence of children and vulnerable adults
- Where one-to-one contact with a child or vulnerable adult is required:
- Where possible, keep the door open
- Where possible, use a room that provides visibility
- Adopt the safest possible practices to minimise the possibility of harm or accidents

happening

- Give supportive and constructive feedback
- Always refer child and vulnerable adult abuse, welfare and safety issues to the DLP.
- Where material of a sensitive nature is being displayed for legitimate purposes such as:
  - teaching, research, exhibitions, children and vulnerable adults and their parents/guardians/carers and others must be made aware of this. Examples could include artwork, photographs, film or video material

Where children and vulnerable adults are not students, in addition to the above:

- IADT will provide a safe, appropriately monitored environment for any children and vulnerable adults visiting campus; and
- Review the child and vulnerable adult protection policy prior to any visits to the college from groups involving children and vulnerable adults.

## **4.1 Activities involving travel and overnight stay away from home**

### **Travel**

Where a child and vulnerable adult travels with staff to a class, meeting or other event, the Institute is responsible for the welfare of the child and vulnerable adult while travelling and while at the class, meeting or other event. In these instances, parental consent forms (See Appendix 2) must be completed by parents/guardians and a record must be kept of the emergency contact numbers supplied. Parents/guardians should also be asked to provide information in relation to any special needs which the child or vulnerable adult may have, including diet, medical needs, support needs etc.. A record should also be kept of this information.

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

### **Overnight Stays**

The following guidelines shall be observed where Institute activities involve children and vulnerable adults staying away from home overnight:

- Adequate and safe transport arrangements must be made
- Parent/guardian consent must be obtained for each participant, prior to the trip, including information on each participant about the following:
- Contact details of parent/guardian and another person named by the parent/guardian in the event of the parent/guardian not being available in an emergency
- All relevant medical information for the participant and consent for medical intervention, if necessary

- Any special needs which the participant may have, including diet, medical needs, support needs etc.
- All relevant information, including contact details, allergies, medications, dietary needs etc. for the child or vulnerable adult must be kept by a member of staff on the trip.
- Parents/guardians will be fully informed of the programme or timetable for the event and should be given a copy of the programme.
- Parents will be given full contact details of the centre/hotel/accommodation and also of the member of staff in charge of the event.

## **4.2 Children and vulnerable adults as research participants**

Occasionally, children and vulnerable adults may attend IADT and/or be supervised by students or staff for research purposes. Where children and vulnerable adults are to be engaged as research participants, full ethical approval must be first obtained from IADT's Ethics Committee.

## **4.3 Contractors, Suppliers & Campus Companies**

The Institute makes use of a wide range of services that are provided by outside contractors. The contracted services can be divided into three categories:

*Embedded*, these are contractors who operate on Campus as part of the general running of the Institute and who have employees dedicated to IADT and/or the Campus. Examples include: Catering Contractor, Cleaning Contractor, and Security Contractor.

*Visiting*, these are contractors who visit Campus to carry out works but do not maintain a dedicated place of work on Campus. Examples include: equipment repair and maintenance, ground maintenance, pitch maintenance, printer maintenance and management

*Construction*, these are contractors engaged to perform construction related activities and/or installation contracts.

### **Campus Companies**

There are two types of Campus Companies that operate in IADT or on IADT's Campus:

- Companies wholly or partially owned by IADT
- Independently owned companies

This Policy will be issued to all embedded contractors who will be required to implement a policy for the protection of children and vulnerable adults in respect of their contract with IADT, including where necessary Garda vetting.

All other contractors, suppliers will be notified of the existence of IADT's Policy for the protection of children and vulnerable adults and are expected to comply with IADT's Policy.

This Policy applies to Campus companies wholly owned and/or controlled by IADT.

For campus companies partially owned but not controlled by IADT, and for independently owned companies on campus, it is expected that they would implement child and vulnerable adult protection policies relevant to their business. IADT's Policy for the protection of children and vulnerable adults will be issued to such companies.

## **5.0 Garda Vetting**

All IADT staff are required to undergo Garda Vetting. Staff will be Garda Vetted on a periodic basis in accordance with the requirements. In addition to standard recruitment checks, candidates who are intended to be employed in IADT will be Garda Vetted prior to any offer of employment.

## **6.1 Criminal Justice (Withholding of Information on offences against Children and Vulnerable Persons) Act 2012**

The Oireachtas has enacted legislation which places personal responsibility on all individuals to report to the Gardai in respect of information that they become aware of in relation to an offence against a child or a vulnerable person. Below is a brief explanation of this Legislation. The Legislation can be found at:

<http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html> and all staff members are advised to familiarise themselves with it.

The essence of the legislation is as follows:

It is an offence not to disclose information on serious offences against children where a person:

- knows or believes an offence has been committed; and
- has information that he/she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of the offender; and,
- fails without reasonable excuse to disclose this to An Garda Síochána

Serious Offences are identified as either Schedule 1 or Schedule 2 offences and these Schedules relate either to children (Schedule 1) or vulnerable persons (Schedule 2). Examples of these offences include but are not limited to (this is not the complete list, which can be found in the Legislation):

- Murder
- Manslaughter
- Rape



- Sexual Assault
- Incest
- Trafficking /Pornography re children
- Reckless Endangerment
- Assault causing Harm
- Abduction
- Child Cruelty
- Female Genital Mutilation

It is the personal responsibility of each individual person to comply with the provisions of the Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act 2012. It is important to note that the fact that the DLP has made a report to TUSLA and/or An Garda Síochána does not relieve a person of their legal obligation to disclose information to the Gardai under this Act where that person has information that falls within the ambit of the Act.

## **7.0 Training**

All staff, students, DLP and deputy DLP will be required to participate in appropriate awareness and training in relation to this Policy.

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

## **8.1 The Designated Liaison Person**

The Designated Liaison Person (“DLP”) in IADT has been assigned responsibility for ensuring that this Policy is promoted and implemented. The Deputy Designated Liaison Person in IADT will take over the responsibilities of the DLP if that person is unavailable for an extended period. The DLP will act as a resource to any member of the Institute who has child or vulnerable adult protection queries or concerns. The DLP will also be responsible for reporting allegations of child or vulnerable adult abuse to An Garda Síochána or TUSLA, as appropriate.

The role of the DLP involves the following duties:

- To be familiar with this Policy, the principles of good practice for the protection of children and vulnerable adults contained herein, and to have responsibility for the implementation and monitoring of this Policy
- To receive reports of alleged/suspected or actual child or vulnerable adult abuse and act on these in accordance with this Policy
- To build a working relationship with TUSLA, An Garda Síochána and other agencies, as appropriate
- To ensure that systems are in place for recording and retaining all relevant

- documentation in relation to child and vulnerable adult protection issues
- To ensure compliance with the provisions of the Freedom of Information Acts 1997 to 2003 and the Data protection Acts 1998 to 2003 in relation to the documentation, reporting and investigation of all child and vulnerable adult protection issues.

*Designated Liaison Person for IADT:*

The Head of Academic Registry

Dr Andrew Power

01 239 4606                      andrew.power@iadt.ie

*Deputy Designated Liaison Person for IADT:*

The Student Experience Manager

Ms Denise McMorrow

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No other staff member should contact the Child and Family Agency, TUSLA other than the DLP or deputy DLP.

## **9.0 Guidelines on Recognising Child and Vulnerable Adult and Neglect and Abuse and Procedure in responding to disclosures and suspected instances**

### **9.1 Introduction**

Child or vulnerable adult neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of abuse is provided below. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances. This guidance is broad and general and relates to younger children and vulnerable adults who may be visitors to the Institute, as well as student-children. For the sake of inclusivity some of the examples are more pertinent to younger persons than student-children.

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

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

#### **Stage 1: Considering the possibility**

The possibility of abuse should be considered if a child or vulnerable adult appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should

also be considered if the child or vulnerable adult seems distressed without obvious reason, or displays persistent or new behavioural problems. The possibility of abuse should also be considered if the child or vulnerable adult displays unusual or fearful responses to parents/carers or older children. A pattern of on-going neglect should also be considered even when there are short periods of improvement.

### **Stage 2 Looking out for signs of neglect or abuse**

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and vulnerable adults and parents/carers, or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children and vulnerable adults who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon as advised herein. The child should not be interviewed in detail about the alleged abuse without first consulting the procedure herein.

Some signs are more indicative of abuse than others. These include:

- disclosure of abuse by a child or vulnerable adult;
- age-inappropriate or abnormal sexual play or knowledge;
- specific injuries or patterns of injuries;
- absconding from home or a care situation;
- attempted suicide;
- underage pregnancy or sexually transmitted disease;
- signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's or vulnerable adult's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### **Stage 3: Recording of information**

If neglect or abuse is suspected by a staff or student, it is important to establish the grounds for concern by obtaining as much information as possible.

Observations/information disclosed should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

The basis for reporting alleged or suspected complaints of child abuse is based on the principle that there are reasonable grounds for concern to support the claim. The following examples would constitute reasonable grounds for concern:

- Specific indication or disclosure from the child that he/she was abused;
- Disclosure by adults of abuse they suffered as children - consideration should be

- given to the possibility of current risk to any child;
- Any information which may indicate that a child may be at risk e.g. disclosure of domestic abuse – consideration should be given to the possibility of the presence of children and vulnerable adults in the family;
  - An account by a person who may have witnessed abuse taking place;
  - Under-age pregnancy or sexually transmitted infection;
  - Attempted suicide;
  - Someone else (a parent, friend, co-worker) may disclose that a child has told them they are being abused, or may have witnessed the abuse themselves;
  - Evidence, such as injury or behaviour which is consistent with abuse and unlikely to be caused another way;
  - An injury or behaviour that is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, and implausible explanations as to the cause of the injuries/injury;
  - Other indicators of abuse such as unusual behaviour by a child or vulnerable adult.

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

## **9.2 Procedure for Responding to a Suspicion of child or vulnerable adult abuse**

- Where a staff member suspects abuse, he/she should make a written record of his/her observations;
- Bring this record to the DLP;
- The DLP will review the information that has been provided and come to a decision as to whether to bring the matter to the attention of TUSLA or Garda Síochána;
- Where the matter is brought to the attention of TUSLA, all the procedures and steps herein shall be followed.

## **9.3 Procedure for Responding to disclosures of child or vulnerable adult abuse**

In the event of a child or vulnerable adult disclosing an incident of abuse, it is essential that this is dealt with sensitively and carefully. The effective protection of a child or vulnerable adult in IADT will depend on the willingness of the staff and students involved with children and vulnerable adults to share and exchange relevant information with the DLP. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concern or assessment of abuse or neglect will be shared on 'a need to know' basis in the interests of the child or vulnerable adult with the relevant

statutory authorities.

**No undertakings regarding secrecy can be given.** This should be made clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements. **The provision of information to the DLP as described herein and the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.**

Should a child or vulnerable adult disclose abuse, staff are advised to:

- React calmly;
- Listen carefully and attentively; take the child or vulnerable adult seriously;
- Reassure the child or vulnerable adult that they have taken the right action in talking to you;
- Do not promise to keep anything secret;
- Advise that support will be offered but that the information must be passed on;
- Ask questions for clarification only. Do not ask leading questions (i.e. questions which prompt a “yes” or “no” answer);
- Confirm that what you have heard is correct and understood;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Do not express any opinions about the alleged abuser;
- Do not confront the alleged abuser.

Staff must then:

- Ensure that the child understands the procedures which will follow in accordance with this procedure;
- Pass the information to the DLP; do not attempt to deal with the problem alone. In an emergency situation An Garda Síochána should be contacted;
- Treat the information confidentially (i.e. ensure that the information is only passed on to those who need to know it).

The DLP will review the information that has been provided:

- Where the allegation is against a student the DLP/Deputy DLP will inform the Registrar
- Where the allegation is against a staff member, the DLP will inform the Secretary/Financial Controller.
- Where the allegation is against the DLP or another member of the Executive, the President will be informed
- Where the allegation is against the President it is handled by the Chair of the Audit Committee of Governing Body
- In the case of someone other than a member of the Institute community, the Secretary/Financial Controller will be informed.

The DLP shall contact TUSLA for informal advice relating to the allegation, concern or disclosure. Where an Institute staff member is working off campus and identifies potential child abuse or mistreatment, they should advise both the DLP and the appropriate child protection personnel in that Institution or place of work.

After consultation with TUSLA officials, the DLP will then take one of two options:

- Formally report the allegation, concern or disclosure to TUSLA. Where a formal report is made, TUSLA will then liaise with An Garda Síochána. It is likely that TUSLA will want to speak to the person who first made the report to clarify facts and the circumstances of the report.
- Not make a formal report to HSE but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The member of IADT community who made the initial report will be informed if a formal report is not being made to TUSLA, and it is open to him/her to make a formal report themselves directly to the relevant authority if they feel this is necessary.

Where the child or vulnerable adult in question is a student, the DLP will advise of the steps taken.

The DLP should also take relevant steps to inform the child's or vulnerable adult's parents/guardians of the allegation, concern or disclosure unless doing so is likely to endanger the child or vulnerable adult. A decision not to inform the parent/guardian shall be recorded, together with reasons for not doing so. TUSLA must be told if the child's parents have not been informed.

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

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

IADT has adopted a standard reporting form (see Appendix 3) for making reports concerning child or vulnerable adult abuse. The more detail that is included in this form, the easier it will be to assess an allegation, concern or disclosure of abuse.

Reports which are made anonymously will be followed up, but this may take longer and will make it more difficult for the professionals involved to assess the situation. If a person is unsure about the case, it may be useful to talk over the issue with the DLP or with a HSE worker before making an official report.

The DLP is required to record information for the Institute records as follows:

- The date and time of disclosure, allegation or actual abuse incident
- An indication of the parties involved (including third parties) including names and addresses
- Details of what action the Institute has taken
- The report from the member of the Institute who received the information or has concerns
- the factual grounds for such suspicions
- Decisions not to inform, or to inform a parent/guardian together with the reason
- The response of the parents/guardians to the reported allegation
- Details (dates, times, people, place) of any subsequent meetings and communications of interested parties

- A decision regarding referral (or not) to TUSLA, or An Garda Síochána, including how, why, when and by whom the decision was taken.

## **Confidentiality**

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

It is essential in reporting any case of alleged/suspected abuse that the principle of confidentiality applies. The information should only be shared on a “need to know” basis and the number of people that need to be informed should be kept to a minimum.

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

The DLP when making a report to TUSLA or An Garda Síochána in good faith is protected by law. The law does not require proof that the abuse in fact happened, only that there are reasonable grounds for concern that the abuse has occurred.

This Protection for Persons Reporting Child Abuse Act provides for:

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

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

## **10.1 Additional procedural requirements where an allegation is made against a Staff member or Student of IADT**

If an allegation is made against a staff or a student member of the Institute, all action will be guided by the rules of natural justice, and the procedural and contractual arrangements and requirements of the law in force at that time.

The most important consideration to be taken into account by the DLP and the Institute is the protection of children and vulnerable adults and their safety and wellbeing must be a priority. However, because of the involvement of a member of the Institute, the Institute and DLP have duties in respect of them as well. Members of the Institute may be subject to erroneous or malicious allegations. Therefore any allegation of abuse must be dealt with sensitively and the member of the Institute community treated fairly. This includes the right not to be judged in advance of a full and fair enquiry.

Where an allegation is made against a staff member, the Secretary/Financial Controller, who having consulted the DLP, will meet with the staff member who shall be accompanied by a colleague or representative. He shall make every reasonable effort to advise the person against whom an allegation of child or vulnerable adult abuse has been made of the following:

- The fact that an allegation has been made against him/her
- The available details of the nature of the allegation
- Provide the member of staff with an opportunity to respond in writing to the allegation
- The member of staff will be advised that the written response may also be passed on to TUSLA if it is determined that reasonable grounds exist.

In a situation where a claim is brought against a student, the Registrar, having consulted with the DLP (where the DLP is not the Registrar), will be the Institute officer charged with advising the student as per above.

Following an allegation against a member of the Institute community, any next steps should be made in consultation between the DLP, the relevant Institute officer, TUSLA and, if appropriate, An Garda Síochána.

The person against whom the allegation is made will need support during this period and the Institute will provide advice on how to access the relevant support services.

Where an allegation is not upheld, the Institute will ensure that the good name and office of the person subject to the allegation is preserved. Details of this allegation will not be maintained on the person's files and in this respect; the Institute will fully comply with the provisions of both the Freedom of Information Acts 1997 – 2003 and the Data Protection Acts 1988 – 2003.

*Secretary/Financial Controller*

Mr. Bernard Mullarkey

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## **11.0 Some Relevant Definitions**

The definitions set out below are relevant to the implementation of this policy. Most of them are as outlined in "*Children First*". They are not intended to be a description of a criminal offence.

### **Child Abuse**

*Child Abuse* can be categorized into four different types namely:

- neglect
- emotional abuse



- physical abuse
- sexual abuse.

## Neglect

*Neglect* can be defined in terms of an omission, where a 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 medical care.

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

Neglect generally becomes apparent in different ways *over a period of time* rather than at one specific point. For 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.

The *threshold of significant harm* is reached when the needs of the child are neglected to the extent that his or her wellbeing and/or development are severely affected.

## Emotional Abuse

Emotional abuse is normally to be found in the *relationship* between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental needs for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples 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;
- premature imposition of responsibility on the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself 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.

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

## Physical abuse

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

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

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others. Any form of sexual behaviour engaged in by an adult with a child is sexual abuse and includes "indirect abuse" such as photographing, videotaping, and filming for pornographic purposes or subjecting a child to gross obscene or abusive language. 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 sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal;
- sexual exploitation of a child, 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.

It should be noted that the definition of child sexual abuse presented above is not a legal definition and is not intended to be a description of the criminal offences relating to sexual assault.

## **APPENDIX 1**

### **Awareness of IADT's Policy for the Protection of Children and Vulnerable adults**

I have read IADT's Policy for the protection of children and vulnerable adults and agree to abide by its contents. There is no reason why I would be considered unsuitable to work with children and vulnerable adults or young people.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Department: \_\_\_\_\_

Student/staff number:

This form must be retained by the signatory's Faculty/Function/Centre.

## APPENDIX 2

### Parental/Guardian Consent Form for Students under 18 years of age

This form must be completed and returned to: \_\_\_\_\_  
(Specify organiser/point of contact with IADT)

For attendance at: \_\_\_\_\_  
(Specify event)

Student Name:

Student Address:

Student date of birth: \_\_\_\_\_

Student contact phone number: \_\_\_\_\_

Student email address: \_\_\_\_\_

Gender (tick as appropriate): Male ☐ Female ☐

Other relevant information: (Please mention any medical conditions, special needs or dietary requirements that we should be aware of):

Contact phone number for parent/guardian: \_\_\_\_\_

Please tick the following boxes (whichever applies):

- ☐ I give permission for the student named above to travel to the event specified above.
- ☐ I give permission for the student named above to stay overnight in relation to the specified event on the following dates: \_\_\_\_

I understand that there will be suitable supervision for the specified event.

The IADT contact person for the specified event is: \_\_\_\_\_ and he/she may be contacted over the duration of the said event at the following contact phone number

Signed: \_\_\_\_\_ (Parent/Guardian)

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ (Student)

**Date:** \_\_\_\_\_

**Name of parent / guardian:**

**Relationship to student:**

**Address of parent / guardian:**

## **APPENDIX 3**

SAMPLE ONLY (Copies of official form available from DLP)

### **Standard Form for Reporting Child/Vulnerable Adult Abuse to DLP at IADT (to be completed by the DLP or Deputy DLP)**

**1. Details of Child/Vulnerable Adult:**

Name:

Address:

Age/D.O.B.:

Class:

**2. Details of concern(s), allegation(s) or incident(s), dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) (if known).**

**3. Details of person(s) allegedly causing concern in relation to the Child/Vulnerable Adult**

Name:

Occupation:

Address:

Relationship to Child:

**4. Additional information that may be relevant:**

**5. Details of person reporting concerns:**

Name:

Occupation:

Address:

Telephone Number:

Nature and extent of contact with Child/Family:

**6. Details of person completing form:**

Name:

Occupation:

Date:



## APPENDIX 4

Letter to parents/guardians

Dear Parent/Guardian,

It has come to my attention that [insert name here] who has recently registered as an undergraduate student in IADT is currently under the age of 18. As you may be aware a child is defined as a person under the age of 18 years. Whilst IADT owes a duty of care to all of its students, it has a particular responsibility to safeguard 'the welfare of any individual under the age of 18 who under Irish law is determined as being a child'. IADT has developed policies and procedures for the protection of children which are based on the 'Children First: National Guidance for the Protection and Welfare of Children'. This policy can be viewed on our website.

These procedures promote best practice in child protection within IADT. All members of the Institute Community must ensure that they always work in an open environment and that they avoid being alone with a child. However there are some instances where a staff member may from time to time require a meeting with your child to give feedback on assessments or in the case of student support. This may necessitate them being alone with your child for a short period of time.

In addition the nature of some aspects of academic programme content in IADT may be more appropriate to adult recipients, any such content will relate specifically to the approved aims, objects and learning outcomes of the programme concerned.

This letter is for information purposes. If you require further information on any of the above do not hesitate to contact me.

Yours Sincerely,

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Head of Academic Registry