

Guidance on Developing a Child Safeguarding Statement

Children
First

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency



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Key Terms

Child Safeguarding Statement	As defined in the Children First Act 2015, means ‘a written statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm’.
Harm	As defined in the Children First Act 2015, means ‘in relation to a child— (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or (b) sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise’.
Mandated person	As defined in the Children First Act 2015, mandated persons have a statutory obligation to report concerns which reach a particular threshold to Tusla and to cooperate with Tusla in the assessment of mandated reports.
Provider	As defined in the Children First Act 2015, means ‘a person— (a) who provides a relevant service, and (b) who, in respect of the provision of such relevant service— (i) employs (whether under contract of employment or otherwise) one or more than one other person to undertake any work or activity that constitutes a relevant service, (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service’.
Relevant service	As defined in the Children First Act 2015, ‘means any work or activity specified in Schedule 1 [of that Act]’.
Relevant person	Defined in the Children First Act 2015 as a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Statement.
Risk assessment	As used in the Children First Act 2015, means ‘an assessment of any potential for harm to a child while availing of the service’.

1. Introduction

What is a Child Safeguarding Statement?

The Children First Act 2015 requires organisations that are providers of ‘relevant services’¹ to prepare a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures to be observed to ensure, as far as practicable, that a child availing of the service is safe from ‘harm’.² It also includes an assessment of risk of ‘harm’ to a child while availing of your service and specifies the procedures in place to manage any identified risks. Your service should ensure that your Child Safeguarding Statement has due regard to the *Children First: National Guidance* and any other child protection guidelines issued by the Minister for Children and Youth Affairs, or any guidelines issued by Tusla concerning Child Safeguarding Statements under section 11(4) of the Children First Act 2015.

Making the Child Safeguarding Statement available

Upon completion, you must circulate the Child Safeguarding Statement to all staff members. Your organisation must also display the Child Safeguarding Statement publicly and make it available to parents and guardians, Tusla and members of the public upon request.

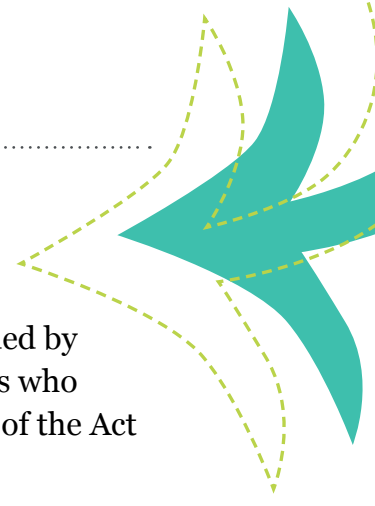
Who needs to have a Child Safeguarding Statement?

Organisations classed as providers of relevant services under the Children First Act 2015 are required to have Child Safeguarding Statements. This means you must have a Child Safeguarding Statement if:

- ⇒ Your organisation is within the categories of organisations classified as relevant services under the Act. (To establish if your organisation is a relevant service, see Schedule 1, Children First Act 2015 and/or Appendix 2 of this Guidance.)
- and
- ⇒ You are deemed to be a provider of a relevant service. To qualify as a provider of a relevant service under the Act, the service provider must employ at least one other person, whether through contract, voluntary arrangement or mutual agreement, to undertake any work or activity on their behalf to provide that service.

¹ Schedule 1 of the Act provides a list of ‘work or activities’ that constitute a ‘relevant service’ (see also Appendix 2 of this Guidance).

² Harm is used as defined in the Children First Act 2015.



In effect, this means that certain types of activities and services provided by persons who work alone and do not employ another person (e.g. tutors who provide one-to-one tuition or childminders) are exempt from the part of the Act relating to the development of a Child Safeguarding Statement.

Timeframes

The provider of ‘relevant services’ must complete the requirements regarding the risk assessment and writing of their Child Safeguarding Statement within three months of the Children First Act 2015 coming into force. Providers of ‘relevant services’ established after the Children First Act comes into force must comply with these requirements within three months from the date the service commences.

The Child Safeguarding Statement must be reviewed every two years, or sooner if there has been a material change in any of the issues to which it refers.

2. What your Child Safeguarding Statement should contain

The Children First Act 2015 says your Child Safeguarding Statement must include certain information.

Risk assessment

Your Child Safeguarding Statement must include a written assessment of risk of ‘harm’ to a child while availing of your service. There are a number of methods that can be used to complete a risk assessment; the Act does not require you to use any particular model. The *Children First: National Guidance* provides further information on completing the risk assessment part of your Child Safeguarding Statement.

Name of your service and activities that you provide

Your Child Safeguarding Statement should name your organisation and outline the various activities and services you provide to children and young people. If you are a large or complex organisation, you will need to consider whether to develop an overarching Child Safeguarding Statement (see below for further information on large or complex organisations).

The principles and the procedures you will observe to keep children safe

You are required to specify the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of your service, is safe from harm.

The Act lists a number of procedures which must be specified in your Child Safeguarding Statement. You must specify the procedures that are in place:

- (a) To manage any risk identified.
- (b) In respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service.
- (c) For the selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children.
- (d) For the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm.
- (e) For reporting to the Agency by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with the Children First Act 2015 or the guidelines issued by the Minister for Children and Youth Affairs under section 6.
- (f) For maintaining a list of the persons (if any) in the relevant service who are mandated persons. (See Appendix 3 for a list of the categories of person mandated under the Children First Act 2015.)
- (g) For appointing a relevant person.

3. Non-compliance

There is provision in the Children First Act 2015 for Tusla to establish and maintain a register of non-compliance for service providers who fail to provide a copy of their Child Safeguarding Statement to Tusla when requested.

4. Writing your Child Safeguarding Statement

This section will help you to think about what your organisation currently has in place in relation to safeguarding children and what you need to do to complete your Child Safeguarding Statement. The three steps detailed in this section will help you establish what you already have in place. They will also help you identify what you need to put in place and will help inform your risk assessment.

What is safeguarding?

Safeguarding is the action that is taken to promote the welfare of children and protect them from harm. While protecting children from abuse is one part of safeguarding, children and young people also need safeguarding in order for them to grow, develop and achieve their full potential.³

Step 1: Getting started

The first step in writing a Child Safeguarding Statement is to reflect on what your service is, what you already have in place and what you will need to do to complete your Child Safeguarding Statement. The following questions should help you to think about these things.

- 1. Are you classed as a provider of a relevant service?** Only providers of relevant services are required to write Child Safeguarding Statements as specified in the Children First Act 2015.
- 2. What relevant policies and procedures do you already have in place?** Carry out a quick check of existing policies against the list from the Act (see previous page) so you do not duplicate work that has already been completed.
- 3. What resources will you need to complete your Child Safeguarding Statement within the statutory, three-month timeframe?** It is important to set aside enough time for writing your Child Safeguarding Statement. You will also have to allocate time for the development or review of procedures that you reference in your Child Safeguarding Statement.

³ This is one of the outcomes for children under *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020*.

Step 2: Reviewing your organisation's structure and the activities offered

This step involves thinking about the services you provide and the nature and structure of your organisation. Start by capturing some important details about your organisation which will help you to complete your Child Safeguarding Statement. Use the headings below.

About your organisation:

- ⇒ Name
- ⇒ Location (one or multiple locations)
- ⇒ Number of staff; numbers in each location if more than one location

About the services provided:

- ⇒ List all of the activities you provide
- ⇒ Do you provide services in a single location, similar services in different locations, different services in a single location, different services in different locations or something else? Try and describe the structure of your organisation here.
- ⇒ What is the level of contact with children and families in the service(s) you provide?
- ⇒ Will children have access to the internet and the use of smart phones. Consider how you are involving parents and careers in managing controls around this?
- ⇒ Do you fund other organisations to provide services to children?

About your service users:

- ⇒ What is the age group you work with?
- ⇒ What is the level of ability of your service users?
- ⇒ Are there any individual care needs?
- ⇒ What are the dynamics of your client group?
- ⇒ Are there specific complicating factors which may make your service users particularly vulnerable to harm?
- ⇒ Are there particular challenges in terms of safeguarding these children from harm?

Now you have a snapshot of your organisation. This information will help you decide whether it would be best for your organisation to have one overarching Child Safeguarding Statement or a number of Child Safeguarding Statements for different branches or service locations.

Step 3: Reviewing safeguarding within your organisation

In Step 1, you identified policy and procedures already in place to safeguard children from harm. In Step 3, you need to consider:

- ⇒ What your organisation currently has in place, formally or informally, to safeguard children from harm.
- ⇒ What your organisation needs to develop to safeguard children from harm.

This step will tie into your risk assessment. Your Child Safeguarding Statement lists the procedures that are in place to keep children safe from harm (you must include the procedures listed in the Act, as detailed above). Meeting the requirements of policy and procedure under the Children First Act 2015 is the legal expectation placed on organisations. See *Children First: National Guidance* and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice* for further information on formulating policy and procedures for safeguarding children.

A Child Safeguarding Statement sample template is provided in Appendix 1 of this document. The information you have gathered in Steps 1 to 3 should assist you in carrying out your risk assessment and in filling out the sample template to complete your Child Safeguarding Statement.

Large or complex organisations

Large or complex organisations will need to consider whether one Child Safeguarding Statement can capture the range of activities provided. Having individual units of service complete separate Child Safeguarding Statements may provide a more manageable approach for some organisations; it is up to each organisation to decide what will work best for it.

If you decide to have individual units of service complete separate Child Safeguarding Statements, there may still be corporate policy areas that should be included by each service unit. Examples of this might include recruitment and selection procedures, staff codes of conduct or issues specific to a group of professionals who operate in different service locations.

Large or complex organisations will need to consider the governance arrangements they employ to ensure corporate compliance with the Children First Act 2015. Existing risk management systems, where possible, should be linked to the risk assessment component of your Child Safeguarding Statement to ensure consistency across the organisation. If you opt for a single or over-arching corporate Child Safeguarding Statement, it should specify common policy and procedure areas, governance structures and risk management strategies. It is also possible to choose both an over-arching corporate Child Safeguarding Statement and subsidiary Child Safeguarding Statements for individual units of service. Depending on the model you choose to use, you will have to give due consideration to displaying the Child Safeguarding Statement in a prominent place wherever your service operates.

Be sure you are clear about who is responsible. You should review 'who is doing what' to ensure the right people are developing your Child Safeguarding Statement(s) and that the work is being coordinated and followed through.

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

Appendix 1: Child Safeguarding Statement Sample Template

Child Safeguarding Statement

1. Name of service being provided: _____

2. Nature of service and principles to safeguard children from harm
(brief outline of what our service is, what we do and our commitment to safeguard children):

3. Risk assessment

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

	Risk identified	Procedure in place to manage risk identified
1		
2		
3		
4		
5		

4. Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the *Children First: National Guidance*, and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*. In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- ⇒ Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service
- ⇒ Procedure for the safe recruitment and selection of workers and volunteers to work with children
- ⇒ Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
- ⇒ Procedure for the reporting of child protection or welfare concerns to Tusla
- ⇒ Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons
- ⇒ Procedure for appointing a relevant person

All procedures listed are available upon request.

5. Implementation

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

Signed: _____

(Provider)

[Provider's name and contact details] _____

For queries, please contact _____

Relevant Person under the Children First Act 2015.

Child Safeguarding Statement Sample Template – Guidance Notes

Section 2: Nature of service and principles to safeguard children from harm: Describe the nature of your services and specify the principles that you will observe to keep children safe from harm while they are availing of your service.

Section 3: Risk assessment: *Children First: National Guidance* provides additional guidance on carrying out the risk assessment component of your Child Safeguarding Statement.

Section 4: Procedures: As this is only a sample list, you will need to add to this list as appropriate, based on the outcome of your risk assessment. Please see also Tusla’s *Child Safeguarding: A Guide for Policy, Procedure and Practice*.

Section 5: Implementation: At a minimum, reviews must be carried out every 24 months. The provider is the individual with overall responsibility for the organisation. This may be the chief executive officer, chairperson of a board of management, owner/operator, etc.

Relevant Person: You should include the name and contact details of the Relevant Persons, who are the first point of contact regarding your Child Safeguarding Statement.

Appendix 2: Schedule of Relevant Services under the Children First Act 2015

Schedule 1 of the Children First Act 2015 specifies the relevant services for the purposes of the Act:

- 1.** Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (a)** an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - (b)** a school or centre of education, both within the meaning of the Education Act 1998,
 - (c)** any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,
 - (d)** a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
 - (e)** a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - (f)** a children detention school within the meaning of section 3 of the Children Act 2001,
 - (g)** a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (h)** a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
- 2.** Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
- 3.** Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.

- 4.** Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
- 5.** Any work or activity which consists of the provision of—
 - (a)** educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b)** care or supervision of children, or
 - (c)** formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
- 6.** Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
- 7.** Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
- 8.** Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
- 9.** Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

Appendix 3: Schedule of Mandated Persons under the Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as mandated persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.

- 15.** Person employed in any of the following capacities:
- (a)** manager of domestic violence shelter;
 - (b)** manager of homeless provision or emergency accommodation facility;
 - (c)** manager of asylum seeker accommodation (direct provision) centre;
 - (d)** addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e)** psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f)** manager of a language school or other recreational school where children reside away from home;
 - (g)** member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h)** director of any institution where a child is detained by an order of a court;
 - (i)** safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - (j)** child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
 - (k)** person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- 16.** Youth worker who—
- (a)** holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - (b)** is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- 17.** Foster carer registered with the Agency [Tusla].
- 18.** A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

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