

Child Safeguarding Statement: Additional Guidance to Manage Risk of Harm

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Children
First

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency



Tusla Child Safeguarding Statement – Additional Guidance to Manage Risk of Harm

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1. Introduction

This guidance is developed in line with The Children First Act 2015, The '*Children First – National Guidance for the Protection and Welfare of Children*' (published under s.6, Children First Act 2015) and Tusla Child Safeguarding: A Guide for Policy Procedure and Practice and Guidance on Developing a Child Safeguarding Statement.

The Children First Act 2015 - Section 11 requires organisation's that are providers of relevant services 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 in order to ensure, as far as practicable, that a child availing of the service is safe from harm. Tusla is required to have a Child Safeguarding Statement, as a relevant service, under the Act and includes a written assessment of the risk and, in that regard, specifies the procedures that are in place to manage any risk identified, as well as reference to the six specified procedures required by the Children First Act 2015. The following Guidance has been developed under five categories to support relevant services with regards to managing the risk of harm identified in the course of carrying out a risk assessment as a part requirement of the Child Safeguarding Statement.

This document contains additional guidance to support Tusla's Child Safeguarding Statement (CSS). All service managers, line managers and staff are responsible for familiarising themselves with the contents of this document. When carrying out the assessment of risk of harm to a child while availing of their specific services (as required by the Children First Act 2015, Tusla's CSS and accompanying Tusla guidance on carrying out the related risk assessment), service managers must consider the guidance as provided in this document.

2. Purpose

The purpose of this guidance is to assist Tusla staff in managing risks identified in the CSS risk assessment, thus meeting our legislative requirements as per the Children First Act 2015

You will find a general glossary, scope, legislation and related guidance on revision and references consistent with Tusla's Procedure for Developing Policies, Procedures, Protocols and Guidelines. The guidance provided within this document may be relevant to the service you are providing and should be used to manage the risk identified in your service's risk assessment.

3. Scope

Heads of service: this guidance is generic and may require further consideration to reflect local area practices.

Managers: All managers are responsible for bringing this document to the attention of staff for whom they have responsibility. Managers are responsible for monitoring implementation of this guidance.

All Staff: This guidance applies to all Tusla staff members. All staff members are responsible for familiarising themselves with the terms of this guidance and for adhering to them.

4. Legislation and Other Related Policies

- Addendum to Children First: National Guidance for the Protection and Welfare of Children - Online Safety
- Child Care Act 1991
- Children First Act 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017
- Criminal Justice (Withholding of Information on Offences Against children and Vulnerable Persons) Act 2012
- Equal Status Acts (2000-2018)
- National Vetting Bureau Acts 2012-2016
- Protected Disclosures Act 2014
- Tusla Child Protection and Welfare Practice Handbook 2
- Tusla Child Safeguarding Statement and all related specified procedures
- Tusla Child Sexual Exploitation Procedure 2021
- Tusla Data Protection and Privacy Policy 2021

5. Glossary of terms

Bullying "Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices." (Children First: National Guidance, p.12)

Child – As defined by the Child Care Act 1991.

Child Safeguarding – ensuring safe practice and appropriate responses by staff and volunteers to concerns about the safety or welfare of children, including online concerns,

should these arise. Child safeguarding is about protecting the child from harm, promoting their welfare and in doing so creating an environment which enables children and young people to grow, develop and achieve their full potential.

Child Safeguarding Guide – Tusla Children First – Child Safeguarding: A Guide to Policy, Procedure and Practice.

Child Safeguarding Statement – defined in the Children First Act 2015, this is a statement, including a written assessment of risk of harm to children and the measures that will be taken to manage any identified risks.

Children First – This is an overarching term that refers to responsibilities under Children First: National Guidance for the Protection and Welfare of Children (DCYA, 2017, published under s.6 of the Children First Act 2015) and/or Children First Act, 2015.

Cyberbullying – “an aggressive, intentional act carried out by a group or individual, using electronic forms of contact, repeatedly, over time, against a victim who cannot easily defend him or herself” (Cyberbullying in Schools: Guidance and Resources for Management, Department of Education and Skills 2013).

Guiding principles and child safeguarding procedures – previously referred to as child protection and welfare policy and procedures, the procedures an organisation has in place to safeguard children from harm and reduce the risks to children of being harmed.

Information and communications technology (ICT): Although there is no single, universal definition of ICT, the term is generally accepted to mean all devices, networking components, applications and systems that combined allow people and organizations (i.e., businesses, non-profit agencies, governments and criminal enterprises) to interact in the digital world. Devices encompassed by the term ICT include mobile phones, laptops, computers, tablets, etc.

One to one working – this phrase is used to convey any situation where one member of Tusla staff is working alone with one child or young person.

Parents – All references to parents includes legal guardians and caregivers.

Peer abuse – the sexual, emotional, physical abuse of one child by another. In its extremes, bullying can become peer abuse.

Provider – as defined in the Children First Act 2015, ‘means, in relation to a relevant service, 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]’.

Staff – All references in this policy to ‘staff’ should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity.

Social Media: The Merriam-Webster Dictionary defines social media as “forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos)”. Any website that enables users to interact is considered a Social Media site, including social networking sites such as Facebook, Instagram and Twitter.

Third-party Organisation – any individual or any service /department/ sector/ body/ agency or organisation whether private, public or voluntary that operates outside of Tusla.

Tusla – the Child and Family Agency, is the lead, statutory organisation for safeguarding children in Ireland.

6. Review and Audit

The monitoring, audit and revision of all policies, procedures and guidelines contained in this document will be undertaken when the Tusla Child Safeguarding Statement is reviewed unless a practice issue or change in legislation or policy guidance requires an earlier review.

This Tusla Child Safeguarding Statement Additional Guidance to Manage Risk of Harm, will be reviewed 24 months after adoption and every 24 months thereafter. It should be reviewed earlier if there is a material change to legislation and policy/procedure, or if

there is an incident relating to matters covered in this guidance. All Directorates, Heads of Services and managers must ensure that all staff comply with this guidance where appropriate.

A National PPPG Catalogue will be maintained by the Director of Policy and be published on the Tusla Website. All approved PPPGs will be listed as well as the scheduled year of review.

7. References and Useful Resources

- Always Children First: Child Safeguarding Awareness Training for Organisations
- Appropriate use of social networking tools, guidelines for youth work staff and volunteers (Youth Work Ireland 2009)
- Child Care Act 1991
- Child Protection and Welfare Allegations against Tusla Staff Policy and Procedure (Tusla 2019)
- Tusla Child Safeguarding Statement – Additional Guidance to Manage Risk of Harm
- Child Protection and Welfare Practice Handbook 2 (Tusla 2018)
- Child Safeguarding: A Guide for Policy, Procedure and Practice (2nd ed) (Tusla 2019)
- Child Sexual Exploitation Procedure (CSE) (Tusla 2020)
- Children First Act 2015
- Children First: National Guidance for the Protection and Welfare of Children (DCYA 2017)
- Criminal Justice (Withholding of Information on Offences Against children and Vulnerable Persons) Act 2012
- Cyberbullying in Schools: Guidance and Resources for Management (Department of Education and Skills 2013)
- Information and Communications Technology (ICT) Acceptable Use Policy.
- Information and Communications Technology Acceptable Usage Policy (Tusla March 2021)
- Let's Beat Bullying (NYCI 2007)
- Lone Working Policy (HSE 2017)
- Merrion Webster Dictionary
- Procedure for Developing Policies, Procedures, Protocols and Guidelines
- Protected Disclosures Act 2014
- Safe Driving for Work Policy (HSE 2018)
- Staff Procedure for Reporting Child Protection and Welfare Concerns (Tusla 2019)

- Tell Us: Tusla Comments and Complaints Policy (Tusla DATE)
- Tusla Disciplinary Procedure
- Tusla Privacy Policy
- Tusla Social Media Procedure
- United Nations Convention on the Rights of the Child (1989)
- www.tusla.ie

8. Revision History

Version 2 drafted 10-02-2022.

Tusla Child Safeguarding Statement: Anti-Bullying Guidance in relation to Children and Young People

1. Overview

Children First National Guidance for the Protection and Welfare of Children identifies being a victim of bullying as one of the circumstances which that may place a child at greater risk of abuse or neglect. The Children First National Guidance also notes that in cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to the appropriate Tusla social work department and/or An Garda Síochána. This guidance provides a definition of bullying and guidance for Tusla services. This guidance relates to bullying of children and should not be confused with Tusla's Dignity at Work Policy which relates to issues which may arise between Tusla staff members.

2. Guidance

Instances of bullying are never acceptable. All services provided by Tusla where children come together should ensure they have anti-bullying guidance specific to their setting and service. It is important for services to include clear guidelines on when and in what circumstances parents/legal guardians/carers will need to be informed.

Tusla supports a 'no blame approach' to dealing with bullying¹; this means providing appropriate supports for all parties involved. Young people should be encouraged to develop a code of behaviour for their group and to agree actions for breaches of this code. This code of behaviour must take into account the age and developmental ability of all members of the group. Any code of behaviour for children and any procedures developed should take account of the rights and responsibilities of children as contained in the UN Convention on the Rights of the Child.

Every child has the right to be treated with respect - no one deserves to be a victim of bullying and children who are engaged in bullying behaviour need to be supported to use different ways of behaving. Bullying of any kind should not be tolerated.

¹ See Appendix 1, Guidance on Responding to Bullying Concerns

Bullying types of behaviour can also be perpetrated against children by adults, including adults who are not related to the child (for example, Tusla staff). Bullying behaviours when perpetrated by adults, rather than children, are not considered 'bullying' and could be regarded as physical or emotional abuse. These behaviours should be handled under the Tusla Child Safeguarding Guidance: Code of Behaviour for Staff and Volunteers and/or Child Protection and Welfare Allegations against Tusla Staff Policy and Procedure.

Other major forms of child abuse, such as neglect and sexual abuse, are not normally comprehended by the term 'bullying', even when exhibited by one child against another child.

3. Tusla Anti-Bullying Code

Tusla has developed an anti-bullying code to demonstrate our commitment to safeguarding children and empowering

- We provide a place where every child can feel secure
- We provide a place where it is known that bullying is not acceptable behaviour
- We provide a place where name calling is not tolerated
- We provide a place where no one should suffer abuse of any nature
- We provide a place where no one is victimised
- We provide a place where each child is supported and listened to
- We provide a place where it is each child's responsibility to ensure that all are treated equally
- We provide a place where solutions to problems are the concern of all

4. Guidance on Responding to Bullying Concerns

"In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a child protection or welfare referral to the appropriate Tusla social work department and/or An Garda Síochána" (Children First National Guidance, p.13). You should always contact the Tusla social work department if you have a child protection and/or welfare concern, even where the concern is about parents or other family members. Tusla staff must also refer to the *Tusla Policy for Staff Reporting of Child Protection and Welfare Concerns*.

5. How to respond to the child/young person who is alleged to have experienced the bullying behaviour²

² See also CPWPHB2 p.107-108

- Talk with the child/young person using active listening skills, telling the child that you are concerned and would like to explore options with them.
- Reassure them that it is not their fault and that you are there to help.
- Explore options with the child/young person to help them to find a solution.
- Report incidents of bullying to your line manager without delay.
- Where appropriate talk to the child's / young person's parents(see below on talking to parents about bullying concerns).
- Every effort should be made to resolve the incident with sensitivity and compassion
- Seek further support for the child /young person, where appropriate.

6. Talk with staff at the child's school, club/activity

If you feel the issue is at school or in a club/activity, set up an appointment to talk with the child's teacher, year head or leader (Parental consent should be sought, where appropriate), or advise their parent(s) or guardian(s) to do so. The class teacher , year head, leader will probably be in the best position to understand the relationships between the child and their peers.

Share your concerns about the child and ask them such questions as:

- How does the child get along with other students in his or her class or group?
- With whom does he or she spend free time?
- Have you noticed or ever suspected that the child is being bullied by other children?

It can be useful to give examples of some ways that children can be bullied to ensure that the teacher/leader is not focusing on only one kind of bullying (such as physical bullying).

Ask the teacher/leader to talk with other adults who interact with the child at the service to see whether they have observed students bullying the child.

If the parent has raised the issues with the school or group and they are not satisfied with the conversation, advise them to make an appointment to meet with the child's school principal/group leader to discuss the concerns.

If you obtain information from the child or from staff at the child's school or club/activity that supports your concern that he or she is being bullied, take action quickly.

Remember that bullying can have serious effects on children.

7. How to support the child who is allegedly exhibiting bullying behaviours³

Take a report that the child might be bullying seriously. Don't underreact by dismissing the suggestion – "this child would never do such a thing" – nor overreact by being very punitive towards the child. The key is to intervene early to stop the pattern and to help the child to learn better ways to communicate or to fit in with a group.

Present the information directly to the child and listen carefully to their account of what is happening as well as their feelings.

Using the no-blame approach, focus on the alleged behaviour you want to stop and not the child's "being a bully". Help him or her to think of the impact of the behaviour on the other child and to imagine how he or she might feel in the same situation. Emphasise the importance of respecting, accepting and including others.

Explore actions the child can take to move forward, such as apologising if appropriate, or communication skills he or she can use to stop the bullying. For example, if it occurs in a group, explore what the child might say or do to stop it. Hold them accountable for their behaviour and warn them of consequences, such as loss of privileges, if they don't stop.

Monitor the situation carefully and make sure to check with the child how things are going. Work co-operatively with the school, other children or whoever made the report to sort things out.

8. Guidelines for talking to parent(s)/guardian(s) of a young person who is the target of Bullying⁴:

- Invite the parent(s)/guardian(s) to meet to discuss what has happened based on the information available;
- Assure parent(s)/guardian(s) that you are pleased that they have taken time to see you;
- Allow the parent(s)/guardian(s) to express their feelings, uninterrupted;
- Accept their feelings (they are real for that parent, even if they might seem excessive to you). Use calm supportive language;
- State categorically that bullying is unacceptable and that you intend to act positively. Assure the parent(s)/guardian(s) that you will keep in touch to update them on progress;

³ Adapted from www.tusla.ie

⁴ The following two sections are taken from Let's Beat Bullying (NYCI 2007)

- Keep a record of any meetings and action taken in response to the issue.

9. Guidelines for dealing with parent(s)/guardian(s) of a young person who is [exhibiting Bullying behaviour]

- Invite the parent(s)/guardian(s) to meet to discuss what has happened based on the information available;
- Assure parent(s)/guardian(s) that you are pleased that they have taken the time to see you;
- Inform the parent(s)/guardian(s) in a clear and objective manner about their child's behaviour;
- Ask the parent(s)/guardian(s) if they know of any reason for this alleged behaviour e.g. a recent bereavement or home circumstances;
- Begin with a summary of the group's anti-bullying policy and emphasise the parent(s)/guardian(s) agreement to it;
- Seek the parent(s)/guardian(s) help in communicating the seriousness of the incident to the young person exhibiting bullying behaviour and enlist their co-operation;
- Where necessary and based on the seriousness of the bullying behaviour inform the parent(s)/ guardian(s) of the consequences that the group considers appropriate and enlist their co-operation.

In instances where you suspect that it may not be safe to notify the parent(s)/carer(s) of their child's behaviour it is advisable to seek the support and guidance of the relevant Tusla social work department. If the incidents of bullying are serious and persistent the Gardaí may be consulted, and it may be appropriate to make a child protection or welfare notification.

10. Group Activities:

It is important that any Tusla staff who are supporting groups of young people be vigilant to signs that bullying may be happening within the group setting. Examples of this may be a young person suddenly not attending the group, changes in mood or tensions in the group or any reports of bullying behaviours made by members of the group.

10.1. Group Activity Guidelines:

- All young people participating in any activity provided by Tusla should be informed of our anti-bullying guidance.
- A named person should be designated who is responsible for implementing the guidance and who has been designated to handle complaints of bullying;

- Ground rules should be set out at the beginning of any activity where young people are involved.
- Young people should be encouraged and facilitated to develop a set of ground rules (code of behaviour) and to agree actions for breaches of this code.
- The young people's code of behaviour must take into account the age, developmental stage, and ability of all members of the group.
- Any code of behaviour for children and any procedures developed should take account of the rights and responsibilities of children as contained in the "UN Convention on the Rights of the Child".

Tusla Child Safeguarding Statement: Social Media and Digital Images Guidance for Staff Working with Children and Young People, including Online Safety⁵

1. Overview

The purpose of the Tusla Child Safeguarding Statement Guidance: Social Media and Digital Images Guidance for Staff Working with Children and Young People, including Online Safety, is to provide guidance and direction to Tusla staff regarding the safe and responsible use and storage of social media and digital images when working with children/young people. All staff need to be clear on their roles and responsibilities in relation to the use of this guidance while working with children/young people. Having a Social Media and Digital Images Guidance for staff working with children and young people, including online safety, in place will help staff focus on supporting children and young people's rights and remain child-centred in their everyday work. Additionally, The Department of Children and Youth Affairs published an Addendum on Online Safety to the Children First: National Guidance for the Protection and Welfare of Children in January 2019. This guidance takes into account guidance provided in

- the Addendum.
- Child Protection and Welfare Practice Handbook 2
- Tusla Child Safeguarding: A Guide for Policy, Procedure and Practice

2. Purpose

The purpose of this guidance is as follows:

- To give guidance and direction regarding the safe and responsible use of social media and Digital images in relation to children and young people under 18 years of age

3. Guidance

⁵ This document must be read in conjunction with Tusla's [Information Technology Acceptable Usage Policy, Acceptable Use of Information and ICT Assets; Policy on Record Management and Retention; Child Sexual Exploitation Procedure \(CSE\)](#). Some content in this guidance was adapted from *Appropriate use of social networking tools, guidelines for youth work staff and volunteers (Youth Work Ireland 2009)*

3.1. Staff Responsibilities⁶

All Tusla staff should only use Tusla phones and ICT equipment to communicate with children/young people, in the context of their work and only where necessary.

3.2. Mobile Phone

Staff should not use their personal mobile phone or personal social media account to communicate with children/young people. This includes phone calls, text messages, e-mail or web-based communications e.g. Twitter.

3.3. Guidance on the use of social media and Digital Images.

- All digital and social media communications with young people should be with the consent of the child, parent, carer, staff members and line manager. Texting, telephoning, e-mails to children/young people should be with parental knowledge/consent (where appropriate).
- Some staff may use texting or text advice services where children/young people may be involved in a one-to-one texting exchange with a worker, given the nature or type of service. However, good practice guidelines should be in place which protect children/young people, the worker and Tusla.
- Staff must not participate in the viewing or exchange of inappropriate images or obscene materials with young service users.
- Misuse of ICT or social media could result in the need for additional supervision, retraining, counselling and in some situations could result in disciplinary procedures being invoked.
- In the event that a member of staff receives or comes across images of child abuse or concerning data, this should be reported to your line manager following Tusla's Staff Procedure for Reporting Child Protection and Welfare Concerns.
- Staff who use social media sites as part of their work or for work related purposes should do so only with the agreement of their Line Manager.
- All contact with children and young people through social media sites should be recorded alongside other communications and work with children/young people.
- If using any form of social media maintain a work profile which is separate from any personal profiles.

⁶ This document must be read in conjunction with Tusla's [Information Technology Acceptable Usage Policy](#), [Acceptable Use of Information and ICT Assets](#), [Policy on Record Management and Retention](#), [Child Sexual Exploitation Procedure \(CSE\)](#), <http://www.tusla.ie/about/twitter-policy>

- Any misuse of social media should be reported to your line manager as soon as possible. You must also report any inappropriate comments on Social Media by another member of staff.
- Staff must not use their personal social media profile or personal devices to communicate with, or to take or share images of, children and young people with whom they work.
- Staff must not accept 'friend' or 'network' requests from children/young people with whom they work.
- Staff must not share their personal contact details with children/young people with whom they work.

3.3.1. Digital Images;

- Staff must not use their own personal equipment to take images. Decision must be made in consultation with line manager
- Parental Consent or legal guardians where appropriate, must be sought to take and/or store images.
- Parents/legal guardians, where appropriate or legal guardians, should be informed about why photos are being taken and/or stored.
- Consent from child/young person to be photographed must be obtained.
- All children/young people must be appropriately dressed when images are taken.
- All staff must comply with Tulsa's data retention policies

3.3.2. Publishing Images

- Identifying details of children/young people such as full name, e-mail address, home address, telephone number, etc. should not be published with photos.
- Do not provide additional information that can assist someone to locate children/young people.
- Permission should be sought from children/young person and parent and legal guardian (as appropriate).
- If using an outside photographer, ensure you have complete contact details of photographer used. Clearly outline that all images will remain the property of Tulsa and cannot be used or sold for any other purpose.

3.4. E-Mails

- Staff must only use their work e-mail account for communication with children /young people as agreed with Line manager.
- Do not send messages which are discriminatory, harassing, negative, or threatening and which could cause offence to the child/young people.
- Do not email private messages to children/young people.
- Tone in email should be professional when communicating with children/young people.

- In relation to computer use by children and young people, you must ensure the following:
 - Appropriate supervision of children/young people's use of the Internet, including time and place;
 - Young people themselves are made aware of the ICT usage and that the history will be checked as appropriate.
 - Where appropriate, that you discuss risky and safe behaviour around ICT usage, with child/young person (e.g. privacy settings, not using profile photos, not using own name etc.)
 - an appropriate level of monitoring should take place and informing the child/young person how you are monitoring their usage.
 - Any concerns about a child's online safety must be recorded and reported to your line manager following reporting procedures for any child protection and welfare concerns.

Tusla Child Safeguarding Statement: Code of Behaviour Guidance for Working with Children and Young People

1. Overview

This Code of Behaviour for working with children and young people is designed to provide guidance to Tusla staff and departments about appropriate and inappropriate conduct when working with children and young people. It sets out the boundaries which staff are expected to adhere to when working with children and young people. The Code of Behaviour clarifies the boundaries for acceptable physical contact between staff and children and young people based on the needs of the children and young people and must be tailored to the nature of the service provided. These elements within a Code of Behaviour limit the risk of child abuse, misinterpretation or unintentional harm occurring.

The purpose of this code is to set out the behaviours that are expected of staff. Having a code of behaviour in place helps staff to focus on child centred practice in their everyday work.

It should be read in conjunction with professional codes of conduct and ethics, as well as Tusla's Child Safeguarding Statement and child safeguarding policies and procedures.

2. Guidance

2.1. Management Responsibilities

Managers are responsible for ensuring compliance with *Tusla's Code of Behaviour for Working with Children and Young People* within their area of responsibility and for dealing with any breaches or shortfalls in practice. Individual units of service need to identify areas of practice and issues that need to be addressed in their Code of Behaviour in order to tailor it sufficiently. Managers must ensure that staff are aware of the requirements of the Code of Behaviour and that breaches of the Code of Behaviour could result in the need for additional supervision, retraining, counselling and in some situations could result in disciplinary procedures being invoked.

Managers must ensure staff:

- Operate within Tusla's policies, procedures, protocols, and guidelines.
- Adhere to Tusla's Child Safeguarding Statement and accompanying policies and procedures.

2.2. Staff Responsibilities

All staff are responsible for:

- Bringing to the attention of their manager any resource or operational difficulties that might impede safe practice.

- Adhering consistently to agreed approaches and interventions in service provision; meeting relevant standards of practice and working in a lawful, safe and effective way.
- Challenging unacceptable behaviour by colleagues in line with Protected Disclosures Act, 2014.
- Reporting all allegations/suspicions of abuse by colleagues in line with the staff allegations procedures.
- Maintaining clear, accurate and objective records.
- Informing their manager about any personal difficulties that might affect their ability to do their job competently and safely.
- Seeking assistance from their manager if they do not feel able or adequately prepared to carry out any aspect of their work or are unsure about how to proceed in a work matter.
- Reporting any concerns regarding a colleague's behaviour towards children/young person to their Line Manager.
- Using established policies, guidelines, processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitative behaviour or practice.
- Undertaking relevant training to ensure compliance with the Code of Behaviour to maintain and improve their knowledge and skills.

2.3. Principles of the Code of Behaviour

"The best interests of the child should be paramount" (Children First National Guidance for the Protection and Welfare of Children, p.2).

"Child Safeguarding [is] ensuring safe practice and appropriate responses by staff to concerns about the safety or welfare of children, should these arise. Child safeguarding is about protecting the child from harm, promoting their welfare and in doing so creating an environment which enables children and young people to grow, develop and achieve their full potential" (*Child Safeguarding: A Guide for Policy, Procedure and Practice*).

The following content is broad and general guidance for Tusla staff working with children and young people. Each service must adapt and adopt a service specific code of behaviour for working with children and young people, taking account of the specific service context and the age and ability of the children they work with. Not all headings will apply to every service and it is important to review the specific circumstances of each service when tailoring this code for its context.

2.4. All Tusla Staff, when working with children and young people, must:

- Respect the rights, dignity and worth of every child and young people and treat them equally regardless of age, gender, ability, ethnic origin, cultural background or religion;
- Value and take each child and young person's contribution seriously, actively involving them in planning, wherever possible, in line with Tusla's Child Participation Strategy based on the Lundy Model;

- Support children and young people’s rights to be heard and listened to, to exercise choice in their lives and to support them in developing independence in decision making;
- Be honest and trustworthy in relation to working with children and young people;
- Interact in a manner that is positive and cannot be construed by others as demeaning;
- When working with children and young people’s behaviours, utilise positive practices such as communicating clear expectations, encouraging and reinforcing positive behaviour and helping the children/young person to problem solve through giving them choices;
- Address behavioural issues arising with the child/young person, and (where appropriate) with parents/legal guardians. There should be an agreed strategy and guidance for responding to a child and young people’s behavioural issues;
- Be aware that where a child/young person is developing what may be an inappropriate reliance or relationship with a particular member of staff, this should be discussed at the earliest opportunity with a senior manager, and parents/legal guardians (where appropriate);
- Respect a child/young person’s personal space;
- Respect and promote the individual views and wishes of children and young people;
- Communicate in an appropriate, open, accurate and straightforward way;
- Give children and young people a voice and encourage young people to feel confident to point out attitudes or behaviour of staff they do not like;
- Take complaints made by children and young people seriously and ensure that children and young people are aware of Tell Us, Tusla’s complaints procedure;
- If one-to-one time is required in the course of your professional engagement with a child and young person, ensure other staff know where you and the child/young person are;
 - In relation to personal contact, staff should:
 - Be aware that touch should always be in response to the need of the child/ young person, not the needs of the adult;
 - Be with the child/young person’s permission – resistance from the child or young person should be respected;
 - Always avoid breasts, buttocks and groin;
 - Be open and not secretive;
 - Be governed by the age and developmental stage of the child and young person.

2.5. All Tusla Staff, when working with children and young people, must not:

- Abuse the trust of children/young people or the access they have to personal information about them and their families⁷
- Abuse, neglect or cause harm to children/young people

⁷ See also Tusla [Data Protection and Privacy Policy](#)

- Use inappropriate language, for example swearing or sexual innuendo;
- Use any form of aggressive physical contact, for example shaking, slapping, shoving, rough handling;
- Threaten a child/young person in any way in order to control their behaviour;
- Show favouritism to any particular individual or group of children/young people;
- Discipline a child/young person inappropriately or punish a child/young person harshly;
- Tease, taunt, insult or make derogatory remarks about or to a child/young person;
- Restrain a child/young person as a way of punishment;
- Bully children/young person;
- Humiliate and/or embarrass children/young people;
- Conduct a sexual relationship with a child/young person or engage in any form of sexual contact. Any such behaviour by an adult member of staff will be treated as alleged sexual abuse and managed under the Tusla Child Protection and Welfare Allegations against Tusla Staff Policy and Procedure (Tusla 2019);
- Make contact with a child/young person via social media, unless as part of an agreed contact arrangement (see also Tusla Social Media and Digital Images Guidance);
- Share your personal contact details with children/young persons (e.g. mobile number or address);
- Contact children/young people service users outside of the work of Tusla or without the agreement of your line manager;
- Be secretive or evasive about their activities and time spent with children/young people;
- Create opportunities to spend significant amounts of time, away from other staff, with a single child or group of children/young people (see also guidance on one-to-one work, below).
- Form inappropriate personal relationships with children/young people;
- Either exaggerate or trivialise child abuse issues;
- Touch a child/young person in an inappropriate way;
- When working with children's behaviour, use deliberately harsh or degrading responses to their behaviour;
- Exclude a particular child/young person from activities;
- By your actions or failure to act, compromise standards of integrity or trust in the Agency;
- This is not an exhaustive list and due consideration must be given to professional judgement.

2.6. Safe Supervision of Children & Young People

Children/young people are less likely to experience accidents, incidents or experience harm if they are supervised properly. Activities should be organised to maximise care, participation, fun and learning in a way that minimises risk. If working with a group of children/young people or on activities, ensure:

- Children/young people are not left unattended;
- Adequate numbers of staff are available to supervise the activity;
- Staff know at all times where children/young people are and what they are doing;
- Dangerous behaviour is never allowed;
- Adult: Child Ratio should be specified, taking into account the type of activity, age and level of ability. Best practice would be a ratio of one adult to whatever maximum number of children/young people is appropriate for your service, plus an additional adult;
- Activities being undertaken are suitable for the abilities, ages and experience levels of the children/young people;
- Equipment facilities meet appropriate safety and quality standards;
- Activities are risk assessed and that appropriate responses to identified risk are planned and implemented;
- Any injuries should be recorded with a note of the action taken;
- Parents/legal guardians should be notified, as appropriate, by the appropriate person;
- Insurance cover is adequate;
- Incidents should be recorded separately from accidents, as they may need to be referred to, when considering suspected child abuse or neglect.

2.7. Managing Trips Away/overnights⁸

If any activity involves use of off-site facilities or staying away overnight, consider the following:

- Safe method of transport;
- Adequate insurance to cover all aspects of the trip;
- Written parental consent (where appropriate);
- Any information about the children/young people which may be relevant to staying away overnight, e.g. allergies, medical problems, special needs etc.
- Number of staff required to adequately supervise children/young people;
- Appropriate and well supervised sleeping arrangements;
- While ensuring safety, respect the privacy of children/young people in changing rooms, showers, toilets.

2.8. Personal and intimate care⁹

- Tusla is committed to ensuring that all staff responsible for the personal or intimate care of children will undertake their duties in a professional and sensitive manner at all times.
- It is recognised that there is a need to treat all children/young people with respect when intimate care is given.

⁸ See also section 4.3.9 and Appendix 7, *Child Safeguarding: A Guide for Policy, Procedure and Practice*

⁹ See also section 4.4, *Child Safeguarding: A Guide for Policy, Procedure and Practice*

- No child/young person should be attended to in a way that causes distress or pain.
- The Child/young person's welfare and dignity are of paramount importance.
- Every Child/young Person right to privacy will be respected.
- The individual/parents, legal guardian views will be sought and listened to with regard to every child/young person's personal care plan.
- Sometimes intimate, physical contact with children/young people is necessary (for example, assisting a child in toileting where this is necessary). All arrangements must be adapted to the individual needs of each child/young person. Central to such arrangements are dignity, privacy, choice and appropriate care.
- There should be agreed procedures with the children/young people, parents, legal guardians and staff around personal or intimate care, where this is required.
- Identify who will provide personal or intimate care and when, where and how intimate care needs will be met.
- Where personal or intimate care is required, procedures on how this is carried out should be reviewed on a regular basis to ensure that child, parents/legal guardians and staff continue to be comfortable with the arrangement.
- Tusla is committed to ensuring that all staff responsible for the personal and intimate care of children will undertake their duties in a professional manner at all times.
- where appropriate, staff should receive specific training on safe personal and intimate care practices.

2.9. Transport – Children and Young People

There are occasions where staff are expected or asked to transport children/young people as part of their duties¹⁰. Staff should ensure:

- Staff will only offer lifts to the children/young people during their normal working duties unless in an emergency and has been agreed by line manager;
- That arrangements for transporting children/young people have been agreed with parents/legal guardians and line-managers; **In all cases, apart from an emergency situation** there should be appropriate recording mechanisms, (e.g. sign in and out book) which indicate where the staff member has been and for what length of time;
- Staff should never leave the children/young people alone in the car;

2.10. Working one-to-one¹¹

2.10.1. Planning and Preparation

¹⁰ See also, [HSE Safe Driving for Work Policy 2018](#)

¹¹ This section must be read in conjunction with [HSE/Tusla Lone Working Policy](#)

The worker engaging in planned one to one work should undertake a process of pre-planning and in consultation with their line manager as appropriate.

If it is a planned activity, then there should be a clear rationale, appropriate schedule of work and an agreed location and this should be shared with all relevant parties.

If an unplanned activity occurs, you should consider the following:

- Contact the office to note you are one to one working with a child, action you are taking, when you expect to return to office.
- Try and place yourself with the child where other people can see or hear you as appropriate to the situation.
- Make a record of incident as possible afterwards of why you were alone with a child or children and what happened.
- Tell your manager.

2.10.2. Consent and Agreements

It is best practice to meet with the parents/legal guardians/carers/children and young people in advance to explain the activities you will undertake and the purpose of same.

Use simple clear language with children and let them know you welcome their views and feedback.

Where relevant inform parents/legal guardians and children of procedures and Tusla complaints procedure to parents/legal guardians/carers/young people as appropriate.

Communicate what steps can be taken in the event the child or young person or parents/legal guardians/carers have any concerns about the sessions and who to contact.

Explain to all parties what records you will keep and who you will share relevant information with and when you may not be able to keep information confidential.

Discuss any support that the child/young person may require from the parents/legal guardians or carers after the activity.

Due consideration should be given if parents/legal guardians/carers be present in your role and qualifications for undertaking the specific work and what you hope to achieve.

Communicate the Tusla Child Safeguarding Statement to parents/legal guardians/carers/children and young people as appropriate.

If parents/legal guardians/carers wish to remain in the building during an activity, they should be accommodated appropriately.

2.10.3. Supervision of the activity

Consider in the event of an emergency, should you or the child fall ill, is there extra support available and ensure you have contact details for parents/legal guardians/carers.

If a child has additional needs, consider if another worker is necessary to ensure the safe management of the activity.

Check in with the child before the activity and run through what was covered in the previous session and check in with them afterwards to seek their views.

Consider how the child will get to the venue and whether you are bringing them in your car e.g. driving for work policy.

2.10.4. Behaviour

All staff should adhere to the Tusla Code of Behaviour when working with Children and Young People.

If the child has additional needs, consider how best to safely manage the activity for both the child/young person and worker.

2.10.5. Review of Work

Best practice is to have an in-built review date for planned one to one work so that the worker, child, parents and legal guardians can review progress of the child. If there is additional one to one work needed this can be planned at this review.

2.10.6. Record Keeping

All staff should keep a record of any one to work activities conducted including details of:

- The date, time and place
- The reason for the contact
- A summary of the activity or discussion
- Any feedback from the child/parents/carers/legal guardians

Meetings with children and young people outside agreed working arrangements should not take place without the agreement of managers and parents/legal guardians or carers.

Tusla Child Safeguarding Statement: Guidance for Renting to third-party organisations or allowing the use of Tusla premises by third-party organisations

1. Overview

This guidance is developed to manage risk of harm to a child if Tusla is renting or allowing a third-party organisation to use a Tusla premises. If Tusla is providing a service to children in the premises at the same time that the third-party organisation's service operates, then the local area risk assessment of harm to a child while availing of Tusla services should be reviewed to ensure that all risks are identified and managed. The procedures to manage any risk identified should then be incorporated into Tusla's Child Safeguarding Statement risk assessment. If the Third-party Organisation is a provider of a relevant service under the Children First Act, they should carry out a risk assessment of harm to a child while availing of their service and specify the procedures to manage that risk in their Child Safeguarding Statement. The purpose of this guidance is to advise Tusla staff of their responsibilities and protocol to follow when renting to a third-party organisation or allowing a third-party organisation to use Tusla space.

If the third-party organisation is delivering a service to children and families **jointly with Tusla**, then this is **not** the appropriate guidance to follow. A working in partnership agreement should be put in place outlining what the child safeguarding procedures are and how staff should adhere to same.

2. Guidance

This guidance is based on the assumption that the third-party organisation is not providing services in conjunction with Tusla.

Managers who agree to rent to or allow a third-party organisation to use Tusla premises need to ensure the third-party organisation has provided them with adequate information. This information must be obtained prior to the use or renting of any Tusla premises. The Tusla manager who agrees the process must ensure all information received from the third-party organisation is held on file. *Appendix 1 – Checklist Template for Tusla Manager when renting to a third-party organisation or allowing a third-party organisation to use Tusla space* is designed to assist with this task.

The third-party organisation is to declare it is compliant with its responsibilities under Children First and to demonstrate this if requested to do so.

In devising the agreement, it should be made clear that should Tusla become aware that the third-party organisation is not following child safeguarding procedures then the agreement will be subject to review and in the case of providers of relevant services the organisations will be referred to the Tusla Child Safeguarding Statement Compliance Unit, if appropriate.

If the third-party organisation is using Tusla facilities outside the hours Tusla's service operates (for example: Tusla's service operates 9am to 5pm and the third-party organisation is using Tusla's facilities after 5pm) the Tusla Manager should ensure, where applicable:

- That the third-party organisation has appropriate insurance cover;
- That the third-party organisation is aware of Children First and has confirmed that they have guiding principles and procedures in place to meet their responsibilities through a self-declaration (See Appendix 2)
- That the third-party organisation has informed parents/legal guardians of their agreement with Tusla's service and that there is a clear distinction between the two services;
- That there is a signed agreement between the two parties.

If the third-party organisation is using Tusla's facilities during the hours that Tusla's service operates you should ensure, where applicable:

- Tusla's local Area risk assessment of harm to a child should consider the presence of a third-party organisation operating on its premises.
- Tusla has adequate child safeguarding procedures in place to ensure the safeguarding of children while availing of Tusla's service or develops necessary procedures;
- Tusla's Child Safeguarding Statement is displayed and communicated to the third-party organisation;
- The third-party organisation has appropriate insurance cover;
- The third-party organisation is aware of Children First and has confirmed that they have guiding principles and procedures in place to meet their responsibilities through a self-declaration (See Appendix 2)
- That the third-party organisation has informed parents/legal guardians of their agreement with Tusla's service and that there is a clear distinction between the two services;
- There is a signed agreement between the two parties.

You may decide to ask the third-party organisation to submit their Child Safeguarding Statement to the Tusla Child Safeguarding Statement Compliance unit. This may be done by emailing it to csscu@tusla.ie

If the third-party organisation needs support to develop Child Safeguarding Statements or Procedures resources for organisations are available on the Tusla Website <https://www.tusla.ie/children-first/organisations/>

Appendix 1 – Checklist Template for Tusla Manager when renting to a third-party organisation or allowing a third-party organisation to use Tusla space.

Name of Third-party Organisation: _____

Contact Details: _____

For All Third-party Organisations:

Tusla Manager Ensures:	Date Received	On File
That the third-party organisation has appropriate insurance cover;		
That the third-party organisation is aware of Children First and has confirmed that they have a CSS, if appropriate, and child safeguarding procedures in place to meet their responsibilities, through a self-declaration (See Appendix 2)		
That the third-party organisation has informed parents/legal guardians of their agreement with Tusla’s service and that there is a clear distinction between the two services. (Letter of confirmation stating how this has been achieved).		
That there is a signed agreement between the two parties.		

In Addition, if third-party organisation’s service operates at same time that Tusla provides service

Tusla Manager ensures:	Date Completed	On File
Tusla’s risk assessment of harm to a child should consider the presence of		

a third-party organisation operating on its premises.		
Tusla has adequate child safeguarding procedures in place to ensure the safeguarding of children while availing of Tusla's service or develops necessary procedures		
Tusla's Child Safeguarding Statement is displayed and communicated to the third-party organisation		

Signed: _____ **Date:** _____

(Tusla Manager)

Appendix 2 – Third-party Organisation Self-Declaration of Compliance with Children First Act 2015 and Children First National Guidance

Name of Third-party Organisation: _____

Address of Third-party Organisation: _____

Contact Person: _____

Contact Number: _____

Please answer the following questions:

Are you classed as a provider of a relevant service under Children First Act 2015?

YES NO

For providers of relevant services only:

- 1 Have you carried out a written risk assessment of harm to a child while availing of your service as defined in the Children First Act, 2015?

YES NO

- 2 Have you developed your child safeguarding statement?

YES NO

- 3 Have you publicly displayed your child safeguarding statement?

YES NO

For all third parties:

- 2 Have you a child Safeguarding policy in place that details the procedures to safeguard children?

YES NO

Signed: _____

Date: ____/____/____

Children
First

TUSLA
An Ghníomhaireacht um
Leanaí agus an Teaghlach
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