

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

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**Children
First**

TÚSLA
An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency



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

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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 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.

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.

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.

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

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).

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.

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

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.

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)
- Merriam 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 2021)
- Tusla Disciplinary Procedure
- Tusla Privacy Policy
- Tusla Social Media Procedure
- United Nations Convention on the Rights of the Child (1989)
- www.tusla.ie

Revision History

Version 3 drafted 30-05-24.

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 while they are participating in Tusla run services¹ and should not be confused with Tusla's Dignity at Work Policy which relates to issues which may arise between Tusla staff members.

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 bullying 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

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.

Tusla Anti-Bullying Code

¹ A distinction should be made between Tusla provision of service to a child e.g. social work direct work, and Tusla run services, such as group work involving children or bullying between children in Tusla provided cared for settings.

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

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*.

Guidance regarding alleged bullying occurring in non-Tusla run services

In instances where the child availing of Tusla provided services discloses they are being bullied in a non-Tusla service, the Tusla staff members should inform the child's parents, where appropriate, and/or the non-Tusla service.

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

- 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.

² See also CPWPHB2 p.107-108

- 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.

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 other children or whoever made the report to sort things out. Discuss with the child's parents, as appropriate.

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;

³ Adapted from www.tusla.ie

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

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

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;
- Tusla staff should consider if there are reasonable grounds for concern and whether a report to Tusla social work is warranted;
- 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 notification from social work to An Garda Síochána.

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.

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".