

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

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**Children
First**

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



Tusla Child Safeguarding Statement – Tusla Child Safeguarding Statement: Code of Behaviour Guidance for Working with 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 organisations 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

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.

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.

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.

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.

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

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 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.

Guidance

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.

Staff Responsibilities

All staff are responsible for:

- Adhering consistently to agreed approaches and interventions in service provision;
- meeting relevant standards of practice and working in a lawful, safe and effective way.
- Bringing to the attention of their manager any resource or operational difficulties that might impede safe practice.
- Challenging unacceptable behaviour by colleagues in line with Protected Disclosures Act, 2014.
- Reporting all allegations/suspensions 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.

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.

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 and Youth 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 them 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;

- Ensure contact is 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.

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 families
- Abuse, neglect or cause harm to children/young people
- 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 or young people.
- 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.

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.

Managing Trips Away/overnights¹

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.

Personal and intimate care²

- 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.
- 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

¹ See also section 4.3.9 and Appendix 7, *Child Safeguarding: A Guide for Policy, Procedure and Practice*

² See also section 4.4, *Child Safeguarding: A Guide for Policy, Procedure and Practice*

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 the 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.
- Staff should receive specific training on safe personal and intimate care practices, where appropriate.

Transport – Children and Young People

There are occasions where staff are expected or asked to transport children/young people as part of their duties³. Staff should ensure:

- To only offer lifts to the children/young people during their normal working duties unless in an emergency and has been agreed by the 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

³ See also, [Tusla Safe Driving for Work Procedure](#)

indicate where the staff member has been and for what length of time;

- To never leave children/young people alone in the car;

Working one-to-one⁴

Planning and Preparation

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 soon as possible afterwards of why you were alone with a child or children and what happened.
- Inform your manager.

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.

Communicate the Tusla Child Safeguarding Statement to parents/legal

⁴ This section must be read in conjunction with [Tusla Lone Working Policy](#)

guardians/carers/children and young people as appropriate.

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

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.

Behaviour

All staff should adhere to the Tusla Code of Behaviour when working with Children and Young People. This should be agreed upon and signed off in supervision with the line manager.

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

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 the progress of the child. If there is additional one-to-one work needed this can be planned at this review.

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.