

Child Safeguarding Statement: Guidance if Tusla is sharing a premises with a third-party organisation

.....

**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

Document Reference Number	
Revision Number	3
Approval Date	November 2024
Next Revision Date	November 2026
Document Developed By	Tusla Children First Information and Advice Service
Document Approved By	National Policy Oversight Committee - NPOC
Responsibility for Implementation	All Staff
Responsibility for Review and Audit	Children First Steering Committee– Children First Lead – Tusla CFIAS CSS Working Group

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.

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.

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.

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 guidance is developed to manage risk of harm to a child while availing of Tusla's service, in the event that Tusla is sharing a premises with a third-party organisation. 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 hold their own legal responsibility to 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.

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.

If the third party organisation is commissioned by Tusla to provide services to children / families referred by Tusla then the commissioner will check the child safeguarding assurances included on the Contract and Services agreement prior

to signing.

Guidance

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

The Tusla Manager must consider the following when conducting the local risk assessment of harm if Tusla is sharing a premises with a third-party organisation:

- What is risk of harm to a child availing of Tusla service from a member of staff of the third party organisation?
- What is risk of harm to a child availing of Tusla service from a visitor to the third party organisation?
- What is risk of harm to a child availing of Tusla service from a client of the third party organisation?
- Are there parts of the premises shared by both services eg reception, bathrooms etc? What are the additional risks to the child availing of Tusla's service?
- What is the risk of failing to communicate these additional safeguarding measures to staff / children / young people and parents?
- Are Tusla's child safeguarding procedures named in Tusla's CSS adequate to ensure the safeguarding of children while availing of Tusla's service when sharing a premises with a third party organisation? or
- If additional procedures are required, are these identified and communicated to the Children First Steering Committee?
- Is Tusla's Child Safeguarding Statement displayed and communicated with staff, children and young people?