



**Immigrant  
Council of  
Ireland**

## **Child Protection Policy**

Date of Commencement: 7 Nov 2016

To be reviewed every two years, or sooner if required

Review date: 8 May 2020

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## 1.1 Introduction

The Immigrant Council of Ireland is fully committed to ensuring that all of its work with children takes place in a safe and protected environment. The following pages contain the Immigrant Council of Ireland's Child Protection Policy. Our policy has been developed in line with the *Children First: National Guidance for the Protection and Welfare of Children* (hereinafter referred to as the *Children First Guidance*). The organisation is committed to adherence to the *Children First Guidance*, the Children First Act 2015 and the Charities Regulator *Safeguarding Guidance for Charitable Organisations working with Children 2020*.

The Policy promotes a Code of Behaviour for our staff, interns, volunteers and board members in their work with children. It provides guidance for staff, interns, volunteers and board members on dealing with any disclosures which may arise through their interaction with children. It details the procedures for reporting any such child protection or welfare concerns. It also sets out the safe procedures to be followed by the Immigrant Council of Ireland in areas such as recruitment and management of new and existing staff, interns, volunteers and board members. These procedures are designed not only to protect children but also to protect staff, interns, volunteers and board members of our organisation by minimising the potential for allegations of misconduct or the possibility of misunderstanding.

### Those required to be bound by this policy

- **Immigrant Council staff members**

An Immigrant Council staff member may be defined as a person who has a contract of employment and receives payment for the role in which they are employed to work.

- **Immigrant Council interns/volunteers**

An Immigrant Council intern/volunteer may be defined as a person who carries out a specific task for a specific period of time on behalf of the Immigrant Council, and whose contribution is supervised by a staff

member. An intern/volunteer may or may not receive payment for the role which they are in.

- **Immigrant Council board members**

An Immigrant Council board member may be defined as a person appointed to the board of directors of the organisation.

For the purposes of this Child Protection Policy, “staff” or “staff member” can be defined to include staff members, interns, volunteers, and board members of the Immigrant Council of Ireland.

## **1.2 Responsibility for the Policy: Chief Executive Officer**

The Chief Executive Officer (CEO) has overall policy and implementation responsibility for the protection of children with whom the Immigrant Council of Ireland directly interacts. The CEO is the designated Child Protection Officer (CPO). The CEO is also the Relevant Person as defined in the Children First Act 2015: ‘a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Statement’.

The policy is subject to regular review.

The CPO at the Immigrant Council of Ireland has the ultimate responsibility for ensuring that the organisation’s Child Protection Policy is promoted and implemented.

The role of the CPO involves the following duties:

- To be familiar with the *Children First Guidance*, the Children First Act 2015, the Charities Regulator *Safeguarding Guidance for Charitable Organisations working with Children* and Tusla’s *Child Safeguarding: A Guide for Policy, Procedure and Practice*, the principles of good practice for the protection of children and young people and to have responsibility for the implementation and monitoring of the Child Protection Policy of the Immigrant Council;

- To receive reports of alleged/suspected or actual child abuse and act on these in accordance with the guidelines. The CPO is the Designated Liaison Person (DLP) responsible for taking all initial reports;
- To ensure that training is provided for all new and existing staff in the Immigrant Council on the Child Protection Policy;
- To build a working relationship with the An Garda Síochána and other agencies, as appropriate;
- To ensure that supports are put in place for the young person and staff in cases of allegations being made;
- To keep up to date and undertake relevant training on child protection policy and practice, in order to ensure the relevance and appropriateness of the Immigrant Council's policy and procedures in this area;
- To review the Immigrant Council policy and procedures on child protection on a regular basis and amend as appropriate;
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues appropriately, safely and confidentially.

Where an urgent child protection matter arises and the CEO is unavailable, a member of the Immigrant Council of Ireland management team shall act as the CPO for the purposes of an initial investigation.

A Deputy Child Protection Officer in the Immigrant Council will take over the responsibilities of the Child Protection Officer if they are unavailable for a significant amount of time. This role will be appointed by the CEO and will be a member of the ICI management team.

### **1.3 Statement of Policy**

The Immigrant Council is fully committed to safeguarding the wellbeing of all the young people with whom we work. Our policy on child protection is in accordance

with “Children First”. We are committed to promoting the participation of young people in matters that affect them.

A set of guidelines have been introduced by the Immigrant Council and all staff involved in any event with young participants have agreed to adhere to these guidelines.

The Immigrant Council’s guidelines are set out in this document.

The Immigrant Council is committed to the protection of children and young people with whom we work and to promoting good practice within our organisation.

The Immigrant Council is committed to promoting the rights of the child including the participation of children and young people in matters that affect them.

We believe the following:

- Our priority to ensure the welfare and safety of every child and young person who attends our service is paramount.
- Our guiding principles and procedures to safeguard children and young people reflect national policy and legislation and we will review our guiding principles and child safeguarding procedures every two years.
- All children and young people have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background.
- We are committed to upholding the rights of every child and young person who attends our service, including the rights to be kept safe and protected from harm, listened to and be heard.
- Our guiding principles apply to everyone in our organisation.
- Staff members, board members, interns and volunteers must conduct themselves in a way that reflects the principles of our organisation.

## **1.4 Scope of Application of the Policy**

All staff shall be made aware of this policy and the procedures herein. The policy applies equally to existing and newly recruited staff, interns, volunteers and board members working with children and young people, all of whom must follow the policies and procedures outlined within the guidelines.

While there are some positions at the Immigrant Council of Ireland which involve regular and direct interaction with both children, it is possible that all staff may at some point engage with children in their work with the organisation. It is the responsibility of management to ensure that all staff, both current and new:

- Receive a copy of the Child Protection Policy and the Child Safeguarding Statement.
- Undergo in-house child protection related training, which stresses the importance of child protection and encourages staff to act on any reasonable concern which they may have. During this training the Child Protection Policy and the Child Safeguarding Statement are to be reviewed in order to ensure that all staff members are aware of the procedures and commitments contained therein.
- Understand and sign the *Code of Behaviour* at the end of this document.

## **1.5 Recruitment of Staff**

As part of the Child Protection Policy, the Immigrant Council of Ireland will thoroughly check the background and suitability of all staff, volunteers, interns and board members. The procedure will involve a number of checks and safeguards, and no provisional offer of employment will be confirmed, nor employment commenced until all checks have been satisfied.

### **1.5.1 Recruitment Process**

It should be noted that the Immigrant Council does not usually work directly with children in its day-to-day activities, but does engage with children on an occasional basis, as well as liaise with organisations that work directly with children. The following procedures are observed by the Immigrant Council when engaging paid staff, interns or volunteers:

- Prospective positions within the Immigrant Council are advertised widely.

- Advertised positions include a job/role description and person specification, detailing attributes identified as being associated with the position.
- Ideally, interviews are undertaken by at least two representatives of the organisation who are suitably qualified and/or have proven experience to undertake such interviews.
- At least two confirmed references are required.
- Successful applicants are required to consent to undergo Garda vetting on commencing employment. It should be noted that while consent from successful applicants is received, the Immigrant Council is not eligible currently for Garda vetting as the provision of services to persons under 18 years is incidental to the organisation's provision of services, in the main, to persons over 18 years. Should the Immigrant Council become eligible, Garda vetting will be performed on all eligible staff, interns, volunteers and board members.
- Employment contracts are written so as to include an employment probationary period.
- Newly employed staff members are required to agree to the terms and conditions of employment, as well as all codes and policies, as outlined in the Employment Handbook.

## **1.6 Safe Management and Supervision of Staff**

No matter how good the recruitment and selection procedures can be, the Immigrant Council of Ireland realises that it is necessary to ensure that safe management and supervision of staff also takes place. It is also necessary to provide the opportunity to staff who may wish to raise concerns in relation to issues of child protection to do so if they so wish. The Child Protection Officer (CEO) is available for staff to privately approach them with any concerns they may have.



## **1.7 Setting the Context - The Immigrant Council of Ireland's Work with Children and Young People**

*“Professionals and agencies working with adults who for a range of reasons may have serious difficulties meeting their children’s basic needs for safety and security should always consider the impact of their adult client/patient’s behaviour on a child and act in the child’s best interests.”*

Much of the Immigrant Council of Ireland’s current work in the area of children and young people is focussed on promoting best practices for the protection of the rights of children, particularly children applying for International Protection, and separated children in the care of the Child and Family Agency. The ICI recognises that children, whether separated from their parent or legal guardian, or in the care of the State, are particularly vulnerable and they have been recognised to face particular difficulties vindicating their rights. The ICI stresses that the views of children should be taken into account, and the voice of the child should be heard in matters directly affecting them.

The Immigrant Council of Ireland staff members and volunteers may engage with dependent children of adult asylum seekers, or clients who have been recognised as Victims of Trafficking and whose residency in the state is based on the Administrative Immigration Arrangements for Victims of Human Trafficking, whose stay and rights in Ireland depend on their parents’ outstanding application for protection. These children may, for example, be living in Direct Provision Accommodation Centres and this particular situation has a considerable effect on their personal growth, development, and childhood experience. Moreover, children living in Direct Provision often live in close settings with other adults with whom they are not familiar. While principally it is the responsibility of the parents or guardians to ensure the care and protection of their children in these settings, staff members and volunteers with the Immigrant Council of Ireland should also be alert to any activities indicating the possibility of abuse.

The Immigrant Council of Ireland engages with children in the following ways:

- The Immigrant Council, through its Law Centre, occasionally provides face-to-face support, legal advice and representation to children, young people and their families. These minors are typically referred to the Immigrant Council by social workers, Tusla - Child and Family Agency, and other professionals working with minors (eg guardians ad litem). The parent(s) or referring professionals accompany these children and are present during the consultations.
- The Immigrant Council's Information and Support Service occasionally provides information on immigration and related issues to children and young people on its dedicated Helpline.
- The Immigrant Council provides training to young people from a migrant background on political participation.
- On a very occasional basis the Immigrant Council works directly with children and young people on legal, policy and other projects, hosts children at relevant events, as well as liaising with organisations that work directly with children.

### **1.7.1 Definition of Abuse:**

According to the *Children First Guidance*, types of child abuse can be grouped into four different categories:

- Neglect
- Emotional Abuse
- Physical Abuse
- Sexual Abuse

It is important to note however that a child may be subject to one of more forms of abuse at any given time. It is especially the case that children whom the Immigrant Council encounters may be particularly vulnerable. More detail on each type of abuse, as according to the *Children First Guidance*, is provided below.

## 1.7.2 Neglect

Neglect can normally be defined in terms of an omission, where a child suffers *significant harm* or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care. *Harm* can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is *significant* is determined by his/her health and development as compared to that which could reasonably be expected of a child of similar age. Neglect generally becomes apparent in different ways *over a period of time* rather than at one specific point.

Examples of neglect can therefore include:

- Persistently being left alone without adequate care and supervision
- Malnourishment, e.g. lacking food
- Failure to provide adequate care for a child's medical problems
- Exploited, overworked children.

## 1.7.3 Emotional Abuse

Emotional Abuse is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's needs for affection, approval, consistency and security are not met. It is rarely manifested in terms of physical symptoms.

Examples of emotional abuse can include:

- Persistent criticism, sarcasm, hostility or blaming;
- Conditional parenting;
- Emotional unavailability by the child's parents/carer;
- Unresponsiveness, inconsistent or inappropriate expectations of a child;
- Premature imposition of responsibility on a child;
- Unrealistic or inappropriate expectations of a child's capacity to understand something or to behave and control himself in a certain way;

- Under or over protection of a child;
- Failure to show interest in, or provide age appropriate opportunities for a child's cognitive and emotional development;
- Use of unreasonable or over harsh disciplinary measures
- Exposure to domestic violence.

#### **1.7.4 Physical Abuse**

Physical abuse is any form of non-accidental injury that causes significant harm to a child, including:

- Shaking
- Use of deliberate force in handling
- Deliberate poisoning
- Suffocation
- Fabricated or induced illness
- Allowing or creating a substantial risk of significant harm to a child.
- Peer abuse
- Organised abuse

#### **1.7.5 Sexual Abuse**

Sexual Abuse occurs when a child is used by another person for his/her gratification or sexual arousal, or for that of others. Examples of sexual abuse may include:

- Exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
- Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- Masturbation in the presence of a child or involvement of the child in the act of masturbation;
- Sexual intercourse with a child, whether oral, vaginal or anal;
- Sexual exploitation of a child including inciting, encouraging, propositioning, requiring, permitting a child to solicit for, or to engage in, prostitution or other sexual acts, or involving a child in the exhibition,

modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means;

- Consensual sexual activity involving an adult and an under-age person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years.

### 1.7.6 Identified Risks

We have carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the main areas of risk identified. These risks will be mitigated and managed through the application of the policies and procedures contained in this Child Protection Policy.

|                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Risk identified                                                                                                                                                                                                                   |
| A child is harmed by an Immigrant Council staff member (for the purposes of the Child Safeguarding Statement to include volunteers, interns and board members) through coming into contact with the Immigrant Council of Ireland. |
| A child is harmed by another person (including another child) through coming into contact with the Immigrant Council of Ireland.                                                                                                  |
| A child is harmed by a failure on the part of a staff member to report or the filing of a poor report of allegations/suspicions of abuse made to Immigrant Council staff by telephone, email, letter or in person.                |

## 1.8 Recognition and Reporting:

This section offers guidance both on how to recognise child abuse and how to deal with it. It outlines the reporting procedures to be followed by staff members which have been put in place at the Immigrant Council of Ireland in order to deal with disclosures of abuse. A disclosure can be defined as information received either directly or indirectly that leads a staff member to believe that a child is being abused.

### Recognition

Recognising abuse is not always easy, even for professionals working in this field. The following is a list of indicators set out in the *Children First Guidance*, intended

to act as guidance only and as such, is not exhaustive. It is important to stress that **no one indicator should be seen as conclusive in itself of abuse**; it may indeed indicate conditions other than child abuse. They may however act as reasonable grounds for concern.

- Disclosure of abuse and neglect by a child or a young person;
- Age-inappropriate or abnormal sexual play or knowledge;
- Specific injuries or patterns of injuries;
- Absconding from home or a care situation;
- Attempted suicide;
- Under-age pregnancy or sexually transmitted diseases;
- Signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.
- Observation by a staff member that give rise to concerns that there may be an abusive situation prevailing (for example, observing physical or emotional abuse by a parent, carer or other person with contact with the child).

## Reporting

This section offers information **(1)** on what a staff member should do if it is suspected or disclosed that a child or young person is being abused by a staff member or a person outside of the organisation, and **(2)** the procedures to be followed by the Child Protection Officer once the complaint has been made.

### 1. Reporting a Disclosure – Staff Procedure

It is not the responsibility of a staff member to decide whether a child is being abused, but any legitimate concerns or suspicions should be acted upon. A staff member who has concerns about the possibility of abuse should make detailed

notes of what has been observed and identify the nature of the engagement between the Immigrant Council and the child or the child's family and bring the matter to the immediate attention of the CPO.

Below is a staff step by step guide to dealing with disclosures. A disclosure may be defined as any information either directly or indirectly received, which leads you to believe that a child is being abused. Any staff member making a disclosure is protected under Irish legislation by the Protection for Persons Reporting Child Abuse Act 1998.

- Listen to the disclosure, remain calm and offer assurance that the disclosure will be looked into.
- Do not ask any leading questions or make any value judgments.
- Inform the complainant (this could be the young person themselves or somebody else) that you cannot guarantee confidentiality regarding the information disclosed. Do stress however that it was right to tell.
- Record all details of the complaint using the *Tusla Child Protection and Welfare Report Form (CPWRF)* (see Appendix A) as soon as possible after the disclosure, containing as much detail as possible.
- Give a completed copy of this report to the Child Protection Officer immediately.
- Follow any directions given by the Child Protection Officer.

## **2. Reporting a Complaint – Child Protection Officer/Designated Liaison Officer**

When a report of abuse is made by a staff member, be it against another staff member or a person outside of the organisation, the following procedures are to be followed by the Child Protection Officer:

- Meet with the staff member who took the complaint.
- Discuss the concerns raised and how the case may be taken further.
- Where the complaint is made against an Immigrant Council staff member, the CPO will meet with that person, explain the circumstances of the allegation and the overreaching duty of the organisation to child

protection. The CPO will remind the staff member of the contractual clause covering the situation, and advise that *either-*

The staff person will continue working but will undertake not to be in a situation where they have contact with children pending clearance to do so from the CPO *or*

The staff member will immediately be suspended from duty on full pay for a period specified by the CPO in the particular circumstances.

Any investigation to be undertaken as a result of a complaint made against a member of staff will be investigated in accordance with the procedures for dealing with disciplinary matters, set out in the Immigrant Council Employment Handbook.

The staff member will be advised by the CPO of confidentiality and that the staff member has a right to separate representation at any stage of the investigative process.

The staff member will be kept informed at every stage of the process and will have the right of reply.

- Where the concern relates to the Child Protection Officer/Dedicated Liaison Person, reports should be made to another senior manager within the organisation.
- If it is determined by the Child Protection Officer/Dedicated Liaison Person that a complaint requires further action, then a report should be made to Tusla - the Child and Family Agency, in person, by phone or in writing using the CPWRF (Form attached as Appendix A). Any in person or phone notification is to be followed up by completion of the CPWRF. Each local Tusla office has a social worker on duty for a certain number of hours each day. The Duty Social Worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns. A list of contact numbers is available in Appendix B. In the event of an emergency,



or the non-availability of Tusla staff, the report should be made to An Garda Síochána. This may be done at any Garda Station.

- Confidentiality with regard to child protection issues is of utmost importance and should only be shared on a 'need to know' basis and in the best interest of the child concerned.
- Keep all persons who have been involved on a need to know basis, informed of the process and the outcome and of all meetings relating to the complaint as appropriate.
- Ensure all records relating to the complaint are completed, filled out appropriately and filed in a secure location.

If, in speaking to the staff member who made the complaint, it is determined that no further action is required, then all relevant parties to the complaint should be so informed as appropriate. It may be necessary to investigate the possibility that underlying factors exist that resulted in the complaint being made and if so, this should be followed up.

If, as a result of further action, it is determined that a serious breach of the Immigrant Council of Ireland's Child Protection Policy has occurred, which could amount to gross misconduct on the part of a staff member, a ground for fair dismissal will ordinarily be made out.

## **1.9 Code of Behaviour for Immigrant Council of Ireland Staff Members, Interns, Volunteers and Board Members in relation to working with Children.**

In order to avoid the possibility of misunderstanding and the potential for allegations of misconduct, the following *Code of Behaviour* has been developed at the Immigrant Council of Ireland. By setting out appropriate and inappropriate behaviour, this codes good practice in all of the Immigrant Council of Ireland's work with children. It aims not only help to protect children, but staff also.

|           |                                                                         |
|-----------|-------------------------------------------------------------------------|
| <b>Do</b> | Listen and hear – give time to the child and what they may want to say. |
|-----------|-------------------------------------------------------------------------|

|                         |                                                                                                                                                                                                                                    |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Do</b>               | Always treat all children with respect – don't embarrass them.                                                                                                                                                                     |
| <b>Do</b>               | Respect a child's right to privacy and dignity.                                                                                                                                                                                    |
| <b>Do</b>               | Remember that someone else might misinterpret your actions, no matter how well intentioned.                                                                                                                                        |
| <b>Do</b>               | Plan activities so that they involve more than one person from the organisation being present or at least in sight or hearing of others. If there is a necessity to work alone with a child, remain in general view.               |
| <b>Do</b>               | Recognise that while physical contact is a valid way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons.                                                   |
| <b>Do</b>               | Pick materials carefully to ensure their suitability for a youth audience.                                                                                                                                                         |
| <b>Do</b>               | Use age appropriate language – be aware of joking, sarcastic, sexualised language when around children and young people.                                                                                                           |
| <b>Do</b>               | Carry identification when on journeys with children and young people.                                                                                                                                                              |
| <b>Do</b><br><b>Not</b> | Give lifts in your car to individual young people unless this is unavoidable for safety reasons. If such a situation arises, ensure that another staff member or volunteer is aware and inform them of your expected arrival time. |
| <b>Do</b><br><b>Not</b> | Bring a child to your home or give out personal information e.g. address, telephone number etc.                                                                                                                                    |
| <b>Do</b><br><b>Not</b> | Contact a child outside of the group or project you may be working on with them.                                                                                                                                                   |
| <b>Do</b><br><b>Not</b> | Punish physically a child or be in any way verbally abusive.                                                                                                                                                                       |

|                   |                                                                                                                                                 |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Do<br/>Not</b> | Show favouritism to any individual.                                                                                                             |
| <b>Do<br/>Not</b> | Allow bullying.                                                                                                                                 |
| <b>Do<br/>Not</b> | Allow any physically rough or sexually provocative games, or inappropriate talking or touching, by any child for which you have responsibility. |
| <b>Do<br/>Not</b> | Under any circumstances attempt to deal with any problems which may arise in relation to child protection alone.                                |

I have read and understood the above Code of Behaviour and commit to acting as stated above when dealing with children.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

## **Appendix A**

**Child Protection and Welfare Report Form can be found at:**

[https://www.tusla.ie/uploads/content/Child\\_Protection\\_and\\_Welfare\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf)

**Appendix B****List of relevant phone numbers**

|                                                |              |
|------------------------------------------------|--------------|
| Tusla Duty Social Worker, Dublin South Central | 7955749      |
| Tusla - Child and Family Agency                | 7718500      |
| An Garda Síochána                              | 666 9000     |
| HSE                                            | 1850 241 850 |