GAISCE
THE PRESIDENT'S
AWARD

SAFEGUARDING GUIDANCE FOR PALS

A good practice guide for PALs and Gaisce Award Partners

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1. Introduction

Gaisce - The President's Award is a three-tiered self-development programme for young people aged 14-25 which enhances confidence and wellbeing through participation in personal, physical and community challenges. The Gaisce Award programme is delivered directly by President Award Leaders (PALs). PALs are individuals over the age of 18 who work, volunteer or are otherwise attached to an organisation that involves or provides services to young people aged 14-25, and who have successfully completed an application process and received training by Gaisce – The President's Award to mentor participants through their Gaisce journey.

There are approximately 1,500 active PALs in Ireland, working and volunteering across a variety of organisations. Organisations that deliver the Gaisce programme are called 'Gaisce Award Partners' (GAPs).

As an organisation, Gaisce - The President's Award, is committed to the safety and wellbeing of children and young people who participate in the Gaisce Award programme, and to ensuring they are safeguarded from harm. Towards ensuring that the individuals (PALs) and organisations (Gaisce Award Partners) that deliver the Gaisce Award programme are aware of their responsibilities under the Children First Guidelines, Gaisce has produced this guide. The Gaisce programme is for young people from 14-25 years of age and so it is likely that PALs may come into contact with children or young people or with a child who is in transition from childhood to young adulthood during the course of their involvement with Gaisce. For this reason, Gaisce have called this document *Safeguarding Guidance For PALS – A good practice guide for PALs and Gaisce Award Partners*.

In this Guide, Gaisce – The President's Award provide information and best practice

in relation to thefollowing:

- Categories and Definitions of Child Abuse
- Recognising abuse
- Dealing with a disclosure
- Reporting abuse
- Gaisce's Procedures for Dealing with Allegations of Abuse

This Guide also outlines Gaisce's child protection commitments in relation to the recruitment, selection and training of PALs, and principles of good practice for PALs in the delivery of the Gaisce Award programme.

This Guide has been created with reference to:

- Children First National Guidance (http://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf);
- Children First Act 2015 (http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf)
- Child Protection and Welfare Practice Handbook (http://www.tusla.ie/children-first/publications-and-forms/the-child-protection-and-welfare-practice-handbook);
- Child Safeguarding – A Guide for Policy, Procedure and Practice (https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf)
- Our Duty to Care: The Principle of Good Practice for the Protection of Children and Young People (https://www.dcya.gov.ie/documents/publications/ODTC_Full_Eng.pdf). Domestic Violence Act 2018

2. Gaisce – The President's Award's commitment to Safeguarding

In accordance with Children First: National Guidance, a 'child' means a person under the age of 18 years, excluding a person who is or has been married. In Ireland, the definition of 'young person' generally refers to individuals aged from 14-25. A child is defined as: Any person under the age of 18 years, other than a person who is or who has been married.
Marriages under the age of 18 are no longer possible. From 1 January 2019, the legal age requirement for marriage is 18 years:

- This is the case even if you marry outside of Ireland.

- It is no longer possible to get a Court Exemption Order allowing a marriage to proceed if one or both parties are under 18 years (Domestic Violence Act 2018).

The Gaisce Award programme is open to young people aged 14-25. As such, participants in the Gaisce Award programme may be a child or a young person or they may be transitioning from childhood to a young person during the course of their Gaisce Award journey.

Gaisce's commitment to the safety of the young people that participate in the Gaisce programme is such that Gaisce encourage all PALs and Gaisce Award Partners not to presume that, just because a young person turns 18, they are no longer at risk of abuse or no longer affected by abuse. This is especially the case for individuals over the age of 18 who may be vulnerable or have additional support needs. Therefore, Gaisce suggest that PALs be cognisant of the information contained in this Guide whatever the age of the Gaisce Award participants they are supporting through their Gaisce journey, even if the legal requirement to act may differ depending on the age or capacity of the young person. Whilst there are specific legal requirements regarding children (and vulnerable adults), the terms child and young person are relevant to the Gaisce Award programme and both appear in this document.

Gaisce recognises that Gaisce Award Partners have their own child protection policies in place and that PALs will be bound by and required to follow them. Therefore, this Guide aims to offer additional support for PALs by outlining best practice with respect to the protection and safety of children and young people in the delivery of the Gaisce Award programme. In all likelihood, the information contained within this Guide is included in the respective child protection policies that PALs are already required to adhere to in the GAP where they are delivering the programme. Where there are disparities, PALs should use this Guide as an additional support tool and reference point for themselves, ensuring the best possible approach to keeping children and young people safe. Although developed specifically for PALs, Gaisce – The President's Award recognises that other adults within a Gaisce Award Partner may be involved in the delivery of Gaisce. The information in this Guide will be relevant to these individuals also.

Gaisce - The President's Award also has an internal policy outlining how it demonstrates commitment to keeping children and young people safe in relation to recruitment and management of staff and volunteers and its relationships with supporters, partners, contractors and suppliers. This document is available upon

request.

3. Gaisce's Mandated and Designated Liaison Person(s)

Gaisce – The President's Award is committed to the safeguarding of children and young people and as such has one named staff member tasked with the role of 'Designated Liaison Person' (DLP) and an additional staff member tasked with the role of 'Deputy Designated Liaison Person' (DDLP). The role of the DLP is to act as the focal point for all issues relating to child protection and the safety and wellbeing of young people involved in the Gaisce Award programme. Whilst PALs are bound by policies and reporting procedures within their Gaisce Award Partner and will have a DLP in that organisation, should, for whatever reason, they wish to discuss a query in relation to safeguarding, they can contact the Gaisce DLP. In the event that the Gaisce DLP is unavailable then the PAL may contact the DDLP. Contact details for both are below.

Mandated persons have two main legal obligations under the Children First Act 2015

- To report harm of children, above a defined threshold, to Tusla
- To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report

Mandated persons are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

The reporting requirements under the Children First Act 2015 apply only to information that a mandated person, received or became aware of since the Act came into force. However, if a mandated person has reasonable concern about past abuse, where the information came to their attention before the Act and there is possible continuing risk to children, they should report it to Tusla under the Children First Guidance 2017.

Gaisce's Designated Liaison Person (DLP) / Mandated Person): Marion Irwin-Gowran

M: 087 6290788

E: mirwin@gaisce.ie

Gaisce's Deputy Designated Liaison Person (DDLP) / Mandated Person: Karol Quinn

T: (01) 6707007

E: karol@gaisce.ie

4. Gaisce's commitment in the recruitment of PALs

Gaisce – The President's Award demonstrates its commitment to the safety of the young people who participate in the Gaisce programme in its recruitment of PALs:

Prerequisite of being a Gaisce PAL:

- Gaisce ensures that anyone wishing to be a PAL is over 18 and is aligned to a youth organisation, or an organisation that involves or provides services/supports to young people aged 14-25;

Application process:

- Prospective PALs are required to complete an application form as per standard Safeguarding practice;
- Gaisce undertakes Garda Vetting on all individuals who apply to become a PAL;
- Gaisce requires two written and verbal references for each prospective PAL;
- Gaisce ensures that all documents relating to the PAL application process, refereeing and Garda Vetting of PALs are stored in Gaisce's Head Office;
- that the documents are processed by an approved Garda Vetting clerk, overseen by the Gaisce DLP, and maintained in adherence to the requirements of the National Vetting Bureau and Data Protection Legislation;
- Gaisce requires PALs to update their vetting status every five years, from 2012 onwards.

Training:

- Gaisce requires all prospective PALs to attend training provided by Gaisce – The President's Award, incorporating a section on Safeguarding;
- Through the training provided and the information contained in this Guide Gaisce ensures that PALs are aware of the definitions of abuse, how to recognise abuse, deal with a disclosure and how to report on abuse;
- Gaisce ensures that all PALs are provided with the name and contact details of Gaisce's Designated Liaison Person and Deputy Designated Liaison Person, and made aware that they can contact Gaisce's DLP(s) with any query they may have regarding the safety of children and young people;

- Gaisce ensures that PALs who have reasonable grounds for concern about the safety and welfare of their Gaisce participant(s) but who are unable, for whatever reason, to refer to their own DLP/DDLP, can contact Gaisce's DLP for advice on referal;

Other:

- Gaisce – The President's Award ensures that all staff members involved in the support of PALs undertake training on Child Protection (provided externally) and are fully aware of Gaisce's internal Safeguarding Policy and this Guide for PALs and Gaisce Award Partners.

5. Principles of good practice in the delivery of the Gaisce Award Programme

In this section, principles of good practice that PALs and/ others involved in the delivery of the Gaisce programme, should adhere to as a protection to both themselves and their participant(s) are set out. It also sets out the procedures PALs, or anyone involved in the delivery of the Gaisce Award programme, should adhere to when involved in overnight activities towards the achievement of a Gaisce award, as well as guidelines for the use of technology and social media.

Code of behaviour

- Seek to develop a positive attitude among young people that respects personal space, safety and the privacy of peers;
- Ensure appropriate ratios of adults to young people when undertaking activities. There should be at least one adult to every eight participants and a minimum of two adults per group. This number may need to be revised upwards in accordance with the ratio of male to female participants, the gender of adults, the type of activity being undertaken and the ability of the participants;
- Maintain professional boundaries at all times. If you have a concern about the nature of a particular relationship involving either yourself or another member of staff/volunteer and a young person, discuss this with a supervisor or experienced colleague;
- Be sensitive to the risks involved in participating in some contact sports and exercise caution in areas such as swimming pools, showers, changing areas etc;
- Be sensitive to the fact that jokes of a sexual nature may be offensive to others and should never be told.
- Be sensitive to the implications of becoming too involved or spending a lot of time with any one young person;
- Be sensitive to appropriate touch with a young person in your role as a PAL;
- Be sensitive to the potential risk to personal safety that may arise when you meet with a participant in a room alone. Where feasible, leave the door open or inform another

colleague that you will be alone in the room with the person in question;

- If/when providing transport for participants in the course of their Gaisce programme, adhere to the standards and procedures set by your Gaisce Award Partner and ensure that the safety and wellbeing of the child or young person is paramount. Such transport should only be provided in the full knowledge and consent of parents/guardians of those under 18 or with the appropriate consent for over 18 year olds where applicable.
- Never physically punish or verbally abuse a young person.

Procedures for Overnights

When taking participants away on their Adventure Journey, PALs and other adults involved should consider the following matters:

- Safety: A hazard analysis and risk assessment should always be completed in advance of the Adventure Journey and specific to its route. This is particularly the case if it is envisaged that participants will be taking part in activities such as mountaineering, hill walking, climbing, water sports etc;
- Insurance: Ensure that insurance is obtained and adequate to cover all aspects of the trip;
- Parental/Guardian knowledge and consent: written consent must be obtained from parents/guardians before taking young people under the age of 18 away on a trip (when obtaining consent from parents/guardians for young people under 18 to participate in the award, information about the Adventure Journey should be provided);
- Medical concerns: Ensure that you are in full possession of relevant medical information in relation to each participant, e.g. allergies / medical regimes. Ensure that you are in possession of a fully stocked first aid kit;
- Sleeping arrangements: Sleeping areas should be appropriate to the requirements and needs of any particular group. For example, for those that identify in binary terms i.e. male or female, there should be appropriate accommodation for both, with appropriate levels of supervision accordingly. If a group has mixed gender then the adult supervisors should also be mixed gender. If a member or members of the group identify as Transgender or non-binary they should be consulted as to their preferred choice of accommodation.

- Special regard should also be given to the age profile of participants: those under 18 should have different sleeping facilities to those over 18;
- Ratios: There should be a ratio of one adult to every eight participants and a minimum number of two adults per group participating in the activity (i.e. hike, cycle etc.) in the event of an accident / incident occurring and to ensure the group is not left vulnerable;
- Emergency contact details: Emergency numbers for parents/guardians of each participant should be available to each PAL and any other accompanying adult on the trip;
- Always carry a mobile phone with a battery fully charged, in case of emergency;
- Maintaining standards and good practice in the relaxed atmosphere of a trip away from home may be difficult as normal boundaries and standards of behaviour can be inadvertently crossed. Agree a code of behaviour / group rules with participants prior to departure.

Guidelines for the Use of Technology and Social Media

PALs and participants should agree a code of conduct or ground rules regarding the appropriate use of mobile phones, camera phones, personal web pages and the use of social media in general, particularly when used during or following the Adventure Journey. The following are some basic guidelines:

- A mobile phone can be a great communication method and a potential safety tool for PALs and participants. However, mobile phones can also be used to bully individuals by sending threatening and unpleasant texts messages and/or pictures. This behaviour should be treated in the same manner as any form of bullying;
- Prior to going on their Adventure Journey PALs and participants should agree a policy or ground rules regarding the use of any and all forms of communication technology, such as: cameras, audio- visual images and social media sites, when undertaking Gaisce activities. This should avoid misuse;
- PALs should advise young people of the need to use mobile phones with care, not to use their phone to bully others, and not to allow others to use their mobile phone;
- Young people should be advised to save any offensive messages

or pictures they receive and to always tell an adult immediately when they receive them. If messages are stored, it is usually possible to trace and identify the culprit – this includes social media;

- Whilst mobile phones can be a safety tool, particularly on an Adventure Journey, they cannot always be relied to work, especially in bad weather and areas of unreliable reception. The reliance on a phone should never replace the skill and competencies required for such activities;
- Where there is a single 'emergency contact phone', ensure that the facility to keep the phone charged is available and that the phone is in credit;
- Camera phones should be used safely and responsibly.
- Camera phone users should respect the private lives of others and not take or distribute pictures of other people as it may be an invasion of their privacy. This is true also of posts on any other social media site;
- The sending of obscene, indecent or menacing photos should not be tolerated and should be reported and dealt with as soon as possible.
- Young people should be warned of the dangers of sending or sharing photographs of themselves to others, especially individuals they do not know well. This applies to posts on all social media sites.

6. Categories and definitions of child abuse

Types of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser. The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer. The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised. It is important that any PAL, individual or organisation delivering the Gaisce Award programme understand the types of child abuse so that it can help them in recognising the signs and symptoms of abuse.

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation

- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional Abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

Physical punishment
Beating, slapping, hitting or kicking
Pushing, shaking or throwing
Pinching, biting, choking or hair-pulling
Use of excessive force in handling
Deliberate poisoning
Suffocation
Fabricated/induced illness
Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual Abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:

» Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
» Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
» Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse

- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation. In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found ***.

Other Forms of Abuse

- Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

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.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children spend a significant portion

of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards must have a code of behaviour and an antibullying policy in place. If you are a staff member of a school, you should also be aware of your school's anti-bullying policy and of the relevant guidelines on how it is handled.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

- Peer Abuse

In some cases of child abuse, the alleged perpetrator will be another child. In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim and the alleged abuser i.e. it should be considered a childcare and protection issue for both children.

Peer Abuse can be defined as the physical, mental, emotional or sexual mistreatment of a person by somebody else of the same peer and/or age group. Quite often, whether in a team or individual context, a key concern would be where a child/young person is mistreating another child/young person of a similar age.

Abusive behaviour perpetrated by children must be taken seriously and acted upon. Early referral and intervention is essential in all such instances as future abuse can be prevented if intervention takes place early. If there is a conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

Research shows that teenagers perpetrate a considerable proportion of child abuse. Four categories of behaviour warrant attention, three of which will usually require action: normal sexual exploration; abuse reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescence and young people. Further information can be found in the Appendices.

- e-Bullying / CyberBullying

Action that results in the deliberate tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting of a child or young person by another person using the Internet, interactive and digital technologies or mobile phones would constitute E-Bullying or Cyber Bullying.

- Circumstances which may make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. **It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.**

Parent or carer factors:
» Drug and alcohol misuse
» Addiction, including gambling
» Mental health issues
» Parental disability issues, including learning or intellectual disability
» Conflictual relationships
» Domestic violence
» Adolescent parents

Child factors:
» Age
» Gender
» Sexuality
» Disability
» Mental health issues, including self-harm and suicide
» Communication difficulties
» Trafficked/Exploited
» Previous abuse
» Young carer

Community factors:
» Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
» Culture-specific practices, including: Female genital mutilation – Forced marriage – Honour-based violence – Radicalisation

Environmental factors:
» Housing issues
» Children who are out of home and not living with their parents, whether temporarily or permanently
» Poverty/Begging
» Bullying

» Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:
» Non-attendance at appointments
» Lack of insight or understanding of how the child is being affected
» Lack of understanding about what needs to happen to bring about change
» Avoidance of contact and reluctance to work with services
» Inability or unwillingness to comply with agreed plans

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

7. Recognising abuse

Child neglect or abuse can often be difficult to identify and may present in many forms. All signs and symptoms should be examined in the context of an individual child's situation and family circumstances, and reported appropriately.

Guidelines for Recognising Abuse

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child neglect orabuse:

i. considering the possibility;
ii. looking out for signs of neglect or abuse;
iii. recording of information (see Children First: National Guidance, section 2.7).

Stage 1: Considering the Possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should be considered if the child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered, even when there are short periods of improvement.

Stage 2: Looking out for signs of neglect or abuse

Signs of neglect or abuse can by physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing the appropriate Designated Liaison Person or Tusla (the Child and Family Agency). A child should not be interviewed in detail about alleged abuse without Tusla being contacted and interviews may be more appropriately undertaken by a social worker or member of an Garda Síochána. More information on dealing with disclosures can be found in the following section 8.

Some signs are more indicative of abuse than others. These include:

a) disclosure of abuse by a child or young person;
b) age-inappropriate or abnormal sexual play or knowledge;
c) specific injuries or patterns of injuries;
d) absconding from home or a care situation;
e) attempted suicide;
f) self-harm;
g) underage pregnancy or sexually transmitted disease;
h) insecure attachment, unhappiness, low self-esteem;
i) educational and developmental underachievement;
j) oppositional or confrontational behaviour;
k) regularly missing school;
l) neglect generally becomes apparent in different ways over a period of time, rather than at one specific point.
m) a child whose height or weight is significantly below average may be being deprived of adequate nutrition.
n) 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.

Many signs of abuse are non-specific and need to be considered in the context of an individual child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

Stage 3: Recording of information

If neglect or abuse is suspected and acted upon, it is important to establish the grounds for concern by obtaining as much information as possible.
Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant.
Care should be taken regarding how such information is stored and to whom it is made available. See appendices for more information.

Reasonable Grounds for Concern that a Child or Young Person is Being Abused.

During the course of delivering the Gaisce programme, a PAL or individual, may become suspicious that a Gaisce participant is the victim of abuse.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect

- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

A PAL who suspects or has reasonable grounds for concern that a child or young person is being abused should try to ensure as far as is possible that no situation arises that could cause further risk to the individual. They should follow the procedures outlined in the child protection policy of the organisation they work or volunteer in, which should include the following steps:

1. Record the known facts including; the child or young person's name, address, nature of the concern, allegation or disclosure and, where possible, information about the parent or guardian. If the incident or disclosure occurred in the context of delivering the Gaisce programme, this should be clearly indicated and explained in the note;
2. The PAL or individual should then pass this note or report to the DLP in the organisation they work or volunteer with and in which the Gaisce programme is being delivered (e.g. their school or youth organisation);
3. If unable to report to the DLP of their own organisation a PAL can contact the DLP of Gaisce for support or advice on further referal. Gaisce's DLP Marion Irwin-Gowran can be reached on 0876290788 or mirwin@gaisce.ie ;
4. Under no circumstances should a child or young person be left in a situation that exposes them to harm or to the risk of harm;
5. In the event of an emergency, where a PAL thinks a child or young person is in immediate danger, they should contact the Gardaí. This can be done through any Garda station.

8. Dealing with a disclosure

How to Respond to a Disclosure of Abuse

Participation in the Gaisce programme can provide an environment that encourages security, confidence and trust so enabling children and young people to share concerns with their PALs or another person in the Gaisce Award Partner organisation in which they are doing their Gaisce Award.

That chosen person will likely be someone the young person trusts and has confidence in. It is important that a child or young person who discloses abuse feels supported and facilitated in what is likely to be a frightening and traumatic process for them. A child or young person may feel perplexed, afraid, angry, despondent and/or guilty. A child or young person who divulges child abuse has engaged in an act of trust and their disclosure must be treated with respect, sensitivity, urgency and care.

It is of the utmost importance that disclosures are treated in a sensitive manner. Anyone responding to a child or young person making such a disclosure should take the following steps:

a) Take what the child or young person says seriously;
b) React calmly as over-reaction may intimidate the child or young person and increase any feelings of guilt that they may have;
c) Reassure the child or young person that they were correct to tell somebody what happened;
d) Listen carefully and attentively;
e) Never ask leading question;
f) Use open-ended questions to clarify what is being said and try to avoid having the child or young person have to repeat what they have told you;
g) Do not promise to keep secrets;
h) Advise the child or young person that you are there to support them but that you must pass the information on to the appropriate person;
i) Do not express any opinions about the alleged abuser to the person reporting to you;
j) Explain and make sure that the child or young person understands what will happen next;
k) Do not confront the alleged abuser.

9. Reporting abuse

Reporting Abuse

This section offers guidance to PALs who:

1. May be concerned or suspect that a child or young person is being abused or neglected;
2. May be concerned or suspect that a child or young person is at risk of abuse or neglect;
3. Have had a child or young person disclose abuse.

The procedures outlined in this section are standard reporting procedures and, as such, should be similar to and included in the child protection policy individual PALs follow within their own organisation.

- Responsibility to Report Child Abuse or Neglect

No more and no less than any member of the public, PALs and other individuals involved in the delivery of the Gaisce programme, have a legal responsibility to report child abuse or neglect. Ignoring the signals or failing to intervene may result in ongoing or further harm to a child. Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children. It states:

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by:

a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.'

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

The Criminal Justice (Withholding of Information on Offences Against the Child and Vulnerable Persons) Act was passed in 2012. This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult. A person shall be guilty of an offence if:

a) he/she knows of a specified offence having been committed by another person against a child or vulnerable adult and
b) he/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person and

fails, without reasonable excuse, to disclose that information to an Garda Síochána.

- Reporting Procedures

Following a disclosure of abuse, PALs should follow the procedures as outlined in the child protection policy of the organisation they work or volunteer with. Those procedures should include the following steps:

1. Immediately after the conversation, the PAL should write down what was said by the individual alleging abuse including: all the names of those involved; what happened, where and when; if there were any witnesses; and any other significant factors, including any visible marks on the individual making the report or any other signs observed. If the incident or disclosure occurred in the context of delivering the Gaisce programme, this should be clearly indicated and explained in the note. The ability of statutory authorities to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them. For this reason, as much detail as possible should be provided;
2. Having made a record of the event, the note or report should be signed and dated. PALs should ensure that the information they collect is treated with the utmost confidence;
3. PALs should not themselves investigate allegations of abuse. Instead, they should pass their note or report to the Designated Liaison Person (DLP) in the organisation they work or volunteer with and in which the Gaisce programme is being delivered (e.g. their school or youth organisation). If, for whatever reason, a PAL is unable to make the report to the DLP of their own organisation, they should contact Gaisce's DLP, Marion Irwin-Gowran on 0876290788 or mirwin@gaisce.ie or if unavailable Gaisce's DDLP, Karol Quinn on 01617 1999 or karol@gaisce.ie ;
4. Under no circumstances should a child or young person be left in a situation that exposes them to harm or to the risk of harm. In the event of an emergency, where a PAL thinks a child or young person is in immediate danger, they should contact the Gardaí. This can be done through any Garda station.

Notifying Parents and Guardians

Where any report is being made to Tusla / the Gardaí, either Tusla or the Gardaí will notify the parent/guardian in respect of persons under the age of 18, unless they have advised the DLP to do so and unless notifying the parent/guardian will

put the child or young person at further risk.

Cases Not Reported to Tusla

If a PAL raises an issue of concern with the DLP in the organisation they work or volunteer with and that DLP does not report the incident to Tusla or an Garda Síochána, the PAL is entitled to a clear and written statement outlining the reasons why such action has not been taken. If, for whatever reason, the PAL raises the concern directly to the Gaisce DLP and the Gaisce DLP does not report the incident to Tusla or an Garda Síochána, the Gaisce DLP will provide a clear and written statement outlining the reasons why such action has not been taken.

Retrospective Disclosures by Adults

Adults also disclose abuse that has taken place during their childhood. PALs may encounter individuals they previously supported through their Gaisce journey, who disclose to them abuse that occurred whilst they were pursuing their Gaisce award. If there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures this should be reported to Tusla . The PAL should encourage the adult to report this and should themselves report this to the DLP in the organisations in which they work(ed) or volunteer(ed).

Legal Protection

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla or to any member of an Garda Síochána.

Confidentiality

All information regarding concern or assessment of child abuse or neglect should be shared on a 'need to know' basis in the interests of the child. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. PALs should not give any undertakings regarding secrecy.

Freedom of Information

Notwithstanding the requirement of all professionals involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except independent practitioners) and are the property of the organisations that hold them. Under the Freedom of Information Acts 1997 and 2003, members of the public have a right of access to records concerning them held by any public body

and a right to have official information about themselves amended where it is incorrect, incomplete, or misleading.
Members of the public also have a right to be given reasons for decisions made concerning themselves.

Where 'Reasonable Grounds for Concern' are not established

There may be occasions where certain instances of alleged abuse may be suspected, or there may be doubts as to the substantive nature of an allegation or suspicion. Where there may be insufficient grounds for establishing or substantiating such concerns, PALs should follow the child protection policy of the organisation in which they deliver the Gaisce programme.

10. Gaisce's procedures for dealing with allegations of abuse

If Gaisce receives an allegation of abuse, whether that allegation concerns an employee in Gaisce, a PAL, another adult involved in the delivery of the Gaisce programme, or any third party, action will be taken by the organisation.

Outlined below are the principles and steps involved in dealing with an allegation of abuse towards a PAL, or another adult involved in the delivery of the Gaisce programme or a third party:

Principles:

- The paramount importance of the safety and welfare of the child. Any steps deemed necessary to protect the child will be implemented as a matter of urgency whilst being careful that the person against whom the allegation has been made is not unreasonably penalised;
- All matters concerning any allegation of abuse will be dealt with in strictest confidence;
- The principle of natural justice will be adhered to, ensuring the presumption of innocence applies until proven otherwise;
- When an allegation has been made and where reasonable grounds for concern have been established, the matter will be reported to the relevant authorities as a matter of urgency ;
- If an allegation of child abuse is received, protective measures, proportionate to the level of risk, will be taken by Gaisce – The President's Award.
- Other than in exceptional circumstances (where a risk to a child's welfare and safety takes precedence or where the relevant statutory authority is unavailable) the relevant statutory authority will be consulted before contact is made with the person against whom the allegation is made;
- Where the Gaisce's DLP or DDLP is unavailable or where it is deemed preferable to the child, any member of Gaisce staff will accept reports, allegations or concerns of abuse and will be appropriately trained to do so;
- Gaisce will deal with allegations, including responding to and/or reporting allegations promptly and appropriately.

Steps involved in dealing with an allegation of abuse:

- Where the Gaisce DLP or DDLP is unavailable or where it is deemed preferable to the child, any member of Gaisce staff will accept reports, allegations or concerns of abuse and will be appropriately trained to do

so;

- Should any member of staff be unsure as to the status of an allegation of abuse, they will seek advice of the DLP/DDLP;
- If they are not the direct recipient of the information, the CEO will be informed of the allegation of abuse as soon as possible;
- Allegations received will be assessed by the DLP in consultation with the CEO and may be escalated to the Gaisce Council (board of directors). Where reasonable grounds for concern are established, the DLP will report the matter to the statutory authorities as soon as is practically possible;
- Where it has been established that there are reasonable grounds for suspecting that a child has been abused or is at risk of abuse the DLP shall immediately contact the PAL or other adult involved in the delivery of the Gaisce programme and request they cease their involvement in delivery the Gaisce programme;
- The DLP making the report will inform the parent/guardian of the child named in the complaint or allegation received unless by doing so could endanger the child. This would normally be done following consultation with the relevant statutory authority;
- The DLP will inform the person against whom allegations have been made as to the nature of the allegation. This would normally be done following consultation with the relevant statutory authority;
- Subject to consultation with the relevant statutory authority the Gaisce DLP may inform the DLP in the Gaisce Award Partner in which the individual is involved, if and as required.
- In situations where the DLP, following consultation including, perhaps, with the relevant statutory authority, subsequently decides that an allegation received or concerns relayed to them will not be formally reported, the individual who raised the concerns or made the allegation will be given a clear written statement of the reasons why the reported concern is not being reported to the relevant authorities. The individual will be advised that, if they remain concerned, they are free to consult with or report to the statutory authorities themselves.

Dealing with an allegation of abuse against a member of staff of Gaisce - The President's Award

The actions which Gaisce would follow in relation to allegations made against staff, volunteers and others directly involved in the organisation are detailed in Gaisce's internal *Safeguarding Policy*, available on request.

11. Appendix

Other forms of abuse – as referenced in section 6 of this Guide:
Research shows that teenagers perpetrate a considerable proportion of child abuse. Four categories of behaviour warrant attention, three of which will usually require action: normal sexual exploration; abuse reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescence and young people.

Normal sexual exploration: This could consist of naïve play between two children that involves the exploration of their sexuality. This type of behaviour may be prompted by exchanges between children, such as 'you me yours and I'll show you min'. One of the key aspects of this behaviour is its tone: there should not be any coercive or dominating aspects to this behaviour. Usually, there is no need for child protection intervention of any kind in this type ofsituation.

Abuse reactive behaviour: In this situation, one child who has been abused already acts out the same behaviour on another child. This is serious behaviour and needs to be treated as such. In addition to responding to the needs of the abused child, the needs of the child perpetrator in this situation must also be addressed.

Sexually obsessive behaviour: In this type of situation, the children may engage in sexually compulsive behaviour. An example of this would be excessive masturbation, which may well be meeting some other emotional need. Most children masturbate at some point in their lives. However, in families where care and attention is missing, they may have extreme comfort needs that are not being met and may move from masturbation to excessive interest or curiosity in sex, which takes on excessive or compulsive aspects. These children may not have been sexually abused, but they may be extremely needy and may require very specific help in addressing those needs.

Abusive behaviour by adolescents and young people: Behaviour that is abusive will have elements of domination, coercion or bribery, and certainly secrecy. The fact that the behaviour is carried out by an adolescent, for example, does not, in itself, make it 'experimentation'. However, if there is no age difference between the two children or no difference in status, power or intellect, then one could argue that this is indeed experimentation. On the other hand, if, for example, one child is 13 and the other is 3, this gap in itself creates an abusive quality and should be taken seriously.

Additional information: Useful

Contacts

HSE National Counselling Service

The HSE National Counselling Service is in place to listen to, value, and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country. The service can be accessed either through healthcare professionals or by way of self-referral (see National Counselling Service (NCS) - HSE.ie.)

TUSLA – Child and Family Agency

The Child and Family Agency is the dedicated State agency responsible for improving wellbeing and outcomes for children. The Child and Family agency offer the following services: child protection and welfare, educational welfare, psychological, alternative care, family and locally- based community supports, early years, domestic, sexual and gender based violence. TUSLA can be contacted directly on 01 771 8500. Social workers can be located and contacted via http://www.tusla.ie/get-in- touch/duty-social-work-teams