



**CHILD PROTECTION POLICY**

**GUIDELINES AND PROCEDURES**

**Sligo Jazz Project**

Updated June 2011



sligo jazz project

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## Chapter I

# INTRODUCTION AND LEGAL FRAMEWORK

### Introduction

Children, because of their dependency and immaturity, are vulnerable to abuse in various forms. Parents or guardians have primary responsibility for the care and protection of their children. However, Sligo Jazz Project has a responsibility to ensure the protection of children participating in any SLIGO JAZZ PROJECT activities. All employees must be sensitive to the vulnerability of children during the course of their duties and act in a responsible manner at all times.

These Guidelines have been developed in accordance with government guidelines Children First: National Guidelines for the Protection and Welfare of Children, a copy of which can be made available on request or can be found on the website of the Department of Health and Children – [www.dohc.ie](http://www.dohc.ie).

These guidelines are directed at all those who have contact with children in the normal course of their duties, to provide guidance on appropriate behaviour around children and what to do if physical, sexual or mental abuse is suspected. A non-exhaustive list is provided for reference at Appendix 1. This Policy is not a legal interpretation of the legislation. While it is not a legal document, it is important to note that failure to comply may have legal implications or consequences. Each local authority may consider it appropriate to develop a Code of Practice specific to particular work areas or departments.

### Confidentiality

All information regarding concerns of possible child abuse should only be shared on a need to know basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue.

However, giving information to those who need to have that information, for the protection of a child who may have been, or has been abused, is not a breach of confidentiality.

Any Designated Child Protection Officer who is submitting a report to the Health Service Executive or An Garda Síochána should inform a parent/ guardian unless doing so is likely to endanger the child or place the child at



further risk, a decision not to inform a parent / guardian should be briefly recorded together with the reason for not doing so.

It is not the responsibility of Company staff or artists employed by the Company to make enquiries of parent or guardians, and in some cases it could be counter-productive for them to do so. It is a matter for the appropriate health board to investigate suspected abuse and determine what action to take, including informing An Garda Síochána.

In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with the appropriate health board, An Garda Síochána should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending health board intervention.

### **Confidentiality Policy Statement**

Sligo Jazz Project is committed to ensuring peoples' right to confidentiality. However, in relation to child protection and welfare we undertake that:

- Information will only be passed on, on a 'need to know basis' in order to safeguard the child/ young person;
- Giving such information to others for the protection of a child or young person is not a breach of confidentiality;
- We cannot guarantee total confidentiality where the best interest of the child or young person are at risk;
- Parents/ carers, children and young people have a right to know if personal information is being shared and /or a report is being made to the Health Service Executive, unless doing so could put the child/ young person at further risk;
- Images of a child/ young person will not be used for any reason without the consent of the parent/ carer (however, we cannot guarantee that cameras/ videos will not be used at public performances);



- Procedures will be put in place around the use of images of children/ young people;
- Procedures will put in place for the recording and storing of information in line with our confidentiality policy.



## **Protection for Persons Reporting Child Abuse Act, 1998**

The protection for Persons Reporting Child Abuse Act, 1998, came into operation on 23<sup>rd</sup> January 1999. Its main provisions are:

- i. The provision of immunity from civil liability to any person who reports child abuse “reasonably and in good faith” to designated officers of health boards or any member of the Garda Síochána.
- ii. The provision of significant protection for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including dismissal.
- iii. The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities “knowing that statement to be false”. This is a new criminal offence designed to protect innocent persons for malicious reports.

## **Freedom of Information Act, 1997**

Any reports which are made to health boards may be subject to the provision of the Freedom of Information Act, 1997, which enables members of the public to obtain access to personal information relation got them which is in the possession of public bodies. However, the freedom of Information Act also provides that public bodies may refuse access to information obtained by them in confidence.



## Chapter 2 CHILD PROTECTION POLICY AND CODES OF BEHAVIOUR

### Designated Child Protection Officer

Sligo Jazz Project will appoint at least one Designated Child Protection Officer to:

- act as a source of advice on child protection matters;
- co-ordinate action within the authority; and
- liaise with the HSE and An Garda Síochána and other agencies about suspected or actual cases of child abuse.

The person(s) designated shall ensure that s/he is knowledgeable about child protection and that s/he undertakes any training considered necessary to keep updated on new developments.

### The role of the Child Protection Officer(s) is to:

- Establish contact with the senior member of the Health Service Executive responsible for child protection in the authority's catchment area, i.e. Child Care Manager or Principal Social Worker;
- provide information and advice on child protection within the authority;
- ensure that the authority's child protection policy and procedures are followed and to inform appropriate sources of relevant concerns about individual children;
- ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing under confidential cover;
- liaise with the Health Service Executive/An Garda Síochána and other agencies as appropriate;
- keep relevant people within the organisation, particularly the County/City Manager, informed of relevant issues;
- ensure that an individual case record is maintained of the action taken by the authority, the liaison with other agencies and the outcome; and
- advise the organisation of child protection training needs.

The name and contact details of the Child Protection Officer(s) shall be made available to all employees, volunteers, relevant agencies and users of the local authority services, where appropriate.





## **Code of Behaviour in Relation to children**

Sligo Jazz Project aims to create an environment in which children are listened to, given a sense of belonging, and kept safe; parents are supported and encouraged; and employees and volunteers who work with children and young people are supported and protected. In order to meet these aims the Sligo Jazz Project will follow a framework for good practice and a code of behaviour as set out below.

The Code of Behaviour can be categorised under the following headings:

- Child centred approach
- Good Practice
- Inappropriate behaviour
- Physical contact
- Health & Safety

### **Code of Behaviour: Child Centred Approach**

- Treat all children and young people equally
- Listen to and respect children and young people
- Involve children/ young people in decision making as appropriate
- Provide encouragement, support and praise (regardless of ability)
- Use appropriate language (physical and verbal)
- Have fun and encourage a positive atmosphere
- Offer constructive criticism when needed
- Treat all children and young people as individuals
- Respect a child's/ young person's personal space
- Boundaries on behaviour and related sanctions will be discussed with children/ young people and parents/ carers
- Have contracts/ agreements with groups
- Encourage feedback from groups
- Use age-appropriate teaching aids
- Lead by example
- Be aware of a child's/ young person's other commitments when scheduling rehearsals or activities e.g. school/exams



- Be cognisant of a child's or young person's limitations, due to a medical condition for example
- Create an atmosphere of trust
- Respect and be aware of differences of ability, culture, religion, race and sexual orientation and membership of the Traveller Community
- Endeavour to provide equality/ diversity training for employees in relation to cultural differences
- Use all information in respect of children only for the purpose for which it is given, subject to child protection concerns.

### **Code of Behaviour: Good Practice Framework**

Sligo Jazz Project aims to work within the following framework for good practice by:

- Providing policy training for employees and volunteers in line with these guidelines
- Registering each child/ young person for day long or long term activities for projects (name, address, phone, special, requirements, attendance, emergency contact)
- It will be noted that it is not possible to cover all open or public events
- Complying with Sligo Jazz Project's Data Protection Policy in respect of personal and sensitive and personal data regarding children and their parents/ guardians subject to child protection concerns
- Making parents/ carers, children/ young people, visitors and facilitators aware of Child Protection Policy and Procedures
- Having emergency procedures in place and make all staff aware of these
- Being inclusive of children and young people with special needs
- Plan and be sufficiently prepared both mentally and physically
- Reporting/ recording any incidents and accidents
- Reporting any concerns to designated person and follow reporting procedures
- Encouraging children and young people to report any bullying, concerns or worries and to be aware of anti-bullying policy (for further information on anti-bullying policy see 'Our duty to Care', Fact Sheet 2, Department of Health and Children, 2002)
- Observing appropriate dress and behaviour
- Evaluation of work practices where contact with children occurs on a regular basis
- Reviewing and updating policies and procedures regularly
- Keeping parents/ carers informed of any issues that concern their children
- Ensuring appropriate supervision (including adequate adult/ child ratios) depending on age, abilities and activities involved



- Ensuring that partner organisations and artists are familiar with the Company's guidelines
- Not ignoring concerns
- Not letting a problem get out of control
- Ensuring that there are adequate insurance arrangements in place to cover all relevant activities
- Not photographing/ filming or otherwise recording or permitting the photography/ filming or otherwise recording of children without the consent of the parent/ guardian
- Not displaying images of children without the consent of the parent/ guardian
- Avoid taking a session on your own. If this is not possible then it should be in an open environment with the full knowledge and consent of primary carers

### **Code of Behaviour: Inappropriate Behaviour – Checklist for employees/ artists**

- Avoid spending excessive amounts of time alone with children/ young people
- Avoid taking children on journeys alone in a car and in the event that you do then make sure that parents/ carers are informed
- Where possible employees should avoid being in a one to one situation with a child
- Don't use or allow offensive or sexually suggestive physical and/or verbal language
- Don't single out a particular child/ young person for unfair favouritism, criticism, ridicule or unwelcome focus or attention
- Don't allow/ engage in inappropriate touching of any form
- Don't hit or physically chastise children/ young people
- Don't socialise inappropriately with children/ young people e.g., outside of structured organisational activities.
- It is important to avoid physical contact with children unless absolutely necessary
- Not revealing personal information about children in any way, subject to child protection concerns.

### **Code of Behaviour: Physical Contact**

- Seek consent of child/ young person at all times in relation to physical contact (except in an emergency or a dangerous situation)
- Avoid horseplay or inappropriate touch
- Check with children/ young people about their level of comfort when doing touch exercises.



### **Code of Behaviour: Health and Safety**

- Don't leave children unattended or unsupervised
- Manage any dangerous materials
- Provide a safe environment and where feasible ensure another employee/ volunteer is present
- Be aware of any comply with the Company's policy on Safety, Health and Welfare at Work
- Familiarise yourself with and where necessary comply with the emergency evacuation procedures particular to the location in which you are located and brief the children in your care on what they are to do/ where they must go in an emergency
- Be familiar with the particular risks associated with the activity and/ or location at which you are based. Read and understand the Safety Statement for that location.
- When undertaking a risk assessment take account of a child's natural curiosity and include appropriate precautions to safeguard child's potential exposure
- For any further advice in relation to health and safety issues you should contact Sligo County Company's Safety Advisor.

### **Code of behaviour: Children with Special Needs or Disabilities**

Adhere to national legislation including Disability Act 2005, and Equal Status Acts 2000-2004 in relation to children with disabilities or special needs to ensure access to all local authority services and activities.

### **Dealing with Challenging or Disruptive Behaviour**

- Disruptive behaviour is unacceptable, and disruptive children will be asked by employees to behave. Disruptive behaviour will be reported to the parent/ guardian.
- If a child continues to be disruptive s/he will be advised that s/he is causing a disturbance and given a warning. A warning letter may be sent to the parent/guardian stating that further disruptions may result in withdrawal of facilities or services to the child.
- Gardai must be notified promptly where extreme disruptive or illegal behaviour has occurred.
- When dealing with a disruptive child it is recommended that where possible more than one employee or volunteer be present. Instances of disruptive behaviour that require the intervention of the



employee, and which put at risk the safety and well being of others, must be documented. The report shall describe:

- the programme or activity running at the time
- what happened and who was involved
- where and when it happened
- what was said, if significant
- any injury to person or property
- how the situation was resolved.

An Incident Report Form shall be completed. A template is provided at Appendix 2.

## Chapter 3 REPORTING PROCEDURES

### Who to contact about issues related to child protection and welfare

Eddie McFarlane has been designated as the person to contact if you have an issue of concern about any aspect of child's or young person's safety and welfare. It is the responsibility of this person to advise staff about policy and procedures in relation to child protection and to ensure that procedures are followed. The designated person will support and advise staff in the event of a concern regarding child protection and welfare. It is also the responsibility of the designated person to liaise with the Health Service Executive or Gardai where appropriate.

Eddie McFarlane can be contacted at  
[+353 86 0263357](tel:+353860263357) / [sjp@sligojazzproject.com](mailto:sjp@sligojazzproject.com)

[Name] Eddie Lee has been designated as deputy to  
Eddie McFarlane and can be contacted at  
[\(071\) 9157862](tel:0719157862) / [eddie@sligojazz.ie](mailto:eddie@sligojazz.ie) .

Sligo Jazz Project has an Incident Book that records concerns about the protection of children and young people. The Incident Book is stored securely on the property of Sligo Jazz Project and only the Designated Person and the Deputy Designated Person has access to them. Confidentiality of records in the Incident Book is maintained at all times (see Confidentiality Policy Statement, page 4).



The following excerpt from *Children First: National Guidelines for the Protection and Welfare of Children* (4.3.2 – p.38) shows what would constitute reasonable grounds for concern:

- i. specific indication from the child or young person that s/he has been abused;
- ii. an account by a person who saw the child/young person being abused;
- iii. evidence, such as an injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
- iv. an injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse [an example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour];
- v. consistent indication, over a period of time that a child or young person is suffering from emotional or physical neglect.

### **Dealing with Complaints/ Allegations against the Company and employed artists**

Allegations of a general nature (not related to the alleged abuse or neglect of a child) which are made against the Company, its employees or volunteers must be investigated, dealt with and managed by the Company in accordance with the Company's Complaints Procedure. A copy of the Company's Complaints Procedure is dealt with in chapter 4.

Employees/ artists are required to co-operate with investigations by or on behalf of Sligo Jazz Project in accordance with the Complaints Procedure. The Company's Disciplinary Procedure may be invoked in circumstances where it is found that an employee/ artist has engaged in negligent, unsafe or otherwise inappropriate behaviour in respect of the allegation.

Where an allegation of abuse of a child is made against an employee or artist the reporting procedure must be dealt with and managed by the Company, guided by the Company's Child Protection Officer(s) as outlined under *Children First: National Guidelines for the Protection and Welfare of Children*. It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities and shall not be undertaken by the Company's Child Protection Officer(s) or other local authority employees.

Where such an allegation is made against an employee, or artist contact and consultation with the Health Service Executive and An Garda Síochána will take place as soon as reasonably practical. This may be done



through the Company's Child Protection Officer(s) as outlined in above. Following these consultations any action will be guided by the relevant statutory body. Procedures for the reporting of such incidents are set out in Section 12 of *Children First: National Guidelines for the Protection and Welfare of Children*, a copy of which can be made available on request or can be found on the website of the Department of Health and Children – [www.dohc.ie](http://www.dohc.ie).

The Company will, as a matter of urgency, take any necessary protective measures that are proportionate to the level of risk and will balance its obligations to its employee with its obligations in respect of the best interests of children.

When an allegation is made against an employee, the following steps shall be taken:

- (i) Action shall be guided by the agreed procedures, the applicable employment contract and the rules of natural justice, where appropriate.
- (ii) The Manager shall be informed as soon as possible.
- (iii) The first priority shall be to ensure that no child is exposed to unnecessary risk. The employer should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk. Such protective measures are not disciplinary measures.
- (iv) The follow up on an allegation of abuse against an employee shall be made in consultation with the Health Service Executive and An Garda Síochána. An immediate meeting shall be arranged with these two agencies for this purpose.
- (v) After these consultations referred to above and when pursuing the question of the future position of the employee, the Child Protection Officer shall advise the person accused of the allegation and the agreed procedures shall be followed.
- (vi) Employers/Managers shall take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by the Health Service Executive or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

Employees/ artists may be subjected to erroneous or malicious allegations. Therefore any allegation of abuse will be dealt with sensitively and support will be offered to employees/ artists including counselling where necessary. However, the primary goal is to protect the child while taking care to treat the employee/ artist fairly.

## **Dealing with a Disclosure**



- Stay calm and listen to the child/young person, allow them enough time to say what he/she needs to say
  - Do not ask leading questions or details, or make suggestions
  - Do not stop the child recalling significant events, but do not make him or her repeat the story unnecessarily
  - Reassure the child/ young person but do not promise to keep it a secret
  - Explain to the child/ young person what will happen next (explanation should be age appropriate)
- Record the discussion as carefully as possible.

The information shall then be passed on in accordance with the following procedures. The primary responsibility of the person who first suspects or is told of abuse is to report it and to ensure that their concern is taken seriously. The guiding principles in regard to reporting child abuse may be summarised as follows:

- the safety and well-being of the child must take priority.
- reports should be made without delay
- the principle of natural justice shall apply, as appropriate.
- a person is innocent until proven otherwise
- the principle of confidentiality shall apply, whereby only those who need to know should be told of a suspicion/allegation/disclosure of abuse and the number that need to be kept informed shall be kept to a minimum.

### **Steps to be taken by an employee who knows about or suspects child abuse**

An employee/ artist who knows or suspects that a child has been or is at risk of being harmed has a duty to convey this concern to the Child Protection Officer(s) without delay who will report the information to the Health Service Executive, who in turn, notify An Garda Síochána. In an emergency, a report must be made directly to An Garda Síochána. If the suspected abuser is an employee/ employed artist of the Company, the matter should be brought to the immediate attention of the Manager.

The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the Health Service Executive or An Garda Síochána. Under no circumstances should any individual member of employees or volunteer attempt to intervene or deal with the problem of abuse alone.



## Steps to be taken by the Designated Child Protection Officer

When the designated officer receives a report about suspected or actual child abuse, they should consider whether there are reasonable grounds for reporting it to the Health Service Executive. It may be helpful to discuss the matter with a professional, such as a social worker, who can assist in deciding whether or not to formally report concerns to the Health Service Executive. See *Children First: National Guidelines for the Protection and Welfare of Children* (4.3.2 – p.38) showing what would constitute reasonable grounds for concern.

The Designated Child Protection Officer may have to:

- clarify or get more information about the matter;
- where there is any doubt or uncertainty, consult initially with a statutory child protection agency to hear their view of the situation;
- make a formal referral to the Health Service Executive or An Garda Síochána

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally as future suspicions may lead to the decision to make a report and, in those circumstances, earlier suspicions may provide important information.

## Standard Reporting Procedure

Where reasonable grounds exist for the reporting of suspected or actual child abuse a report shall be made to the Health Service Executive in person, by telephone or in writing. Reports may be made to the Child Care Manager or directly to the social worker. Each Health Service Executive 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. In the event of an emergency, or the non-availability of HSE employees, the report should be made to An Garda Síochána. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending the intervention of the Health Service Executive.



## Information required when a report is being made

The ability of the Health Service Executive and/or An Garda Síochána to assess suspicions or allegations of child abuse will depend on the amount and quality of information conveyed to them by persons reporting their concerns. As much as possible of the following detail shall be given when making a report

- (i) Accurate identifying information as far as it is known. This should include the names, addresses and ages of the child and all children in the family as well as the parents'/ guardians' names and addresses;
- (ii) Information recorded should be factual. Any opinions recorded should be supported by facts;
- (iii) name and address of the person alleged to be causing harm to the child;
- (iv) a full account of what constitutes the grounds for concern about the welfare and protection of the child or children;
- (v) source of any information which is being discussed with the Health Service Executive;
- (vi) dates when the concern arose, or a particular incident occurred;
- (vii) circumstances in which the concern arose, or the incident occurred;
- (viii) any explanation offered to account for the risk, injury or concern;
- (ix) the child's own statement, if relevant;
- (x) any other information regarding difficulties which the family may be experiencing. These may include illness, recent bereavement or separation, financial situation, addiction, disability, mental health problem;
- (xi) any factors which may be considered supportive or protective of the family. These may include helpful family members, neighbours, useful services or projects with which they have contact;
- (xii) name of child or children's school;
- (xiii) name of child and/or family's general practitioner;
- (xiv) the reporter's own involvement with the child and parents/guardians;
- (xv) details of any action already taken about the risk or concern;
- (xvi) names and addresses of any agencies or key persons involved with the parents/guardians;
- (xvii) identity of reporters including name, address, telephone number, occupation, and relationship with the family.

A template form is attached at Appendix 2, and should be used for reporting suspected child abuse to a Health Service Executive or An Garda Síochána. If a report is made by phone, this form should be forwarded subsequently to the Health Service Executive. Any employee/ artist/ Child Protection Officer(s) who suspects child abuse should inform the parents/ guardians if a report is to be submitted to the Health Service Executive



or An Garda Síochána unless doing so is likely to endanger the child or undermine an investigation. Guidance may be obtained from the Health Service Executive or An Garda Síochána on how this might be undertaken.

An employed artist who suspects child abuse shall not interview the child or the child's parents/ guardians in any detail about the alleged abuse without first consulting the Health Service Executive; this may be more appropriately carried out by the Health Service Executive social worker or An Garda Síochána.

Additional guidance on the arrangements for reporting child abuse can be found in Chapter 4 of *Children First – National Guidelines for the Protection and Welfare of Children* issued by the Department of Health and Children.

### **Cases Where Concerns Are Not Referred On**

In those cases where the Company decides that it should not refer concerns to the Health Service Executive or An Garda Síochána, the employee/ artist who raised the concern must be given a clear written statement of the reasons why the Company is not doing so. The employee/ artist should be advised that, if they remain concerned about the situation, they are free to consult with, or report to, the Health Service Executive or An Garda Síochána.

Malicious or vexatious allegations of child abuse made by employees/ artist may be considered to be a disciplinary matter and dealt with accordingly, subject to the paragraph on Common Impediments to the Reporting of Child Abuse below.

### **Common Impediments to the Reporting of Child Abuse**

Child abuse is a difficult and, to some people, distasteful subject. There is a common tendency to believe that it happens only to 'other people'. The identification of child abuse is frequently linked to personal experiences, values and beliefs, and there may be a reluctance to acknowledge its existence. The belief that parents or other persons in charge of children would actually hurt or neglect them is not easy to sustain. It is easy, therefore, to deny, minimise or explain away any signs that a child is being harmed, even when evidence exists. At times, it is hard to distinguish between abusive situations and those where other social problems such as unemployment, poverty, poor housing, mental illness or isolation are present. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of



children. Reluctance to act on suspicions about child abuse can often stem from uncertainty and fear. Individuals may be afraid of repercussions, afraid of being thought insensitive, afraid of breaking confidence, or afraid of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action.

*The Protections for Persons Reporting Child Abuse Act, 1998* provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to designated officers, the HSE or any member of An Garda Síochána. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report. See Chapter 1.



## Chapter 4

## RECRUITMENT AND COMPLAINTS PROCEDURE

### Recruitment and Selection

Sligo Jazz Project has a procedure for the vetting of employees. This procedure, which has been determined by An Garda Síochána and the Department of Environment, Heritage and Local Government.

All applicants for appointment or engagement by artists will be required to supply information in writing on the prescribed Consent Form and to provide formal photographic identification in support of their application. This will include personal details, past and current work/ volunteering experience and any qualifications or skills relevant to the post.

Applicants for employment will be required to make a declaration relating to previous criminal records. When a candidate is being considered for appointment or is being placed on a panel, the completed Consent Form will be sent to the Garda Central Vetting Unit by the Company's Authorised Signatory as appointed under the Garda Vetting Procedure.

Artists or Volunteers may be required to supply information in writing on the prescribed Consent Form with a view to being vetted by An Garda Síochána. This requirement will be determined through liaison with the Company's Authorised Signatory. The Authorised Signatory may seek advice on the appropriateness of vetting volunteers through the Garda Vetting Unit.

#### **Staff Management Policy Statement**

Sligo Jazz Project aims to protect both staff (paid and voluntary) and children/ young people and we under take that:

New staff will:

- Take part in mandatory induction training session
- Be made aware of the organisation's code of conduct, child protection procedures, and identity and role of who has been designated to deal with issues of concern
- Undergo a probationary or trial period

All staff will:



- Receive an adequate level of supervision and review of their work practices
- Be expected to have read and signed the Child Protection Policy Statement
- Be provided with child protection training.



## Recruitment and Selection Policy Statement

Sligo Jazz Project will ensure that our staff and artists are carefully selected, training and supervised to provide a safe artistic environment for all children and young people, by observing the following principles:

- There are clearly defined roles and responsibilities for every job (paid or otherwise);
- Posts will be advertised widely;
- We will endeavour to select the most suitably qualified personnel;
- Candidates will be required to complete an application form;
- Candidates will be asked to sign a declaration form;
- At least two written references which are recent, relevant, independence and verbally confirmed will be necessary;
- Staff and volunteers should be selected by a panel of at least two (or more) representatives;
- No person who would be deemed to constitute a 'risk' will be employed (ref. Childcare Act 1991);
- Some of the exclusions would include:
  - any child related convictions
  - refusal to sign application form and declaration form
  - insufficient documentary evidence of identification
  - concealing information on one's suitability to work with children
- There will be a relevant probationary period of six months;
- All staff and volunteers will be required to consent to Gardai clearance, and where available, this will be sought.



## **Parental/ Carer Involvement and Sharing of Information**

Sligo Jazz Project is committed to being open with parents and all primary carers. As we are a child centred organisation we are committed to putting the interest of the child/ young person first. To that end we will:

- Contact local Health Service Executive/ Gardai where there is a child protection welfare concern
- Expect parents/ carers to work in partnership with us under the guidelines set out by our organisation to ensure the safety of their children
- Have a designated contact person who is available for consultations

### **Sligo Jazz Project undertakes to:**

- Make parents/ carers aware of our child protection policy
- Inform parents/ carers and schools of all activities and potential activities
- Issue contact/ consent forms where relevant
- Comply with health and safety practices
- Operate child centred policies in accordance with best practice
- Adhere to our recruitment guidelines
- Ensure as far as possible, that the activities are age appropriate
- Encourage and facilitate parental/carer involvement where appropriate

### **If we have concerns about the welfare of the child/young person we will:**

- Respond to the needs of the child or young person
- Inform the parents/ carers on an ongoing basis unless this action puts the child or young person at further risk
- Where there are child protection and welfare concerns we are obliged to pass these on to the duty social worker and, in an emergency, the Gardai
- In the event of a complaint against a member of staff we will immediately ensure the safety of the child/ young person and inform parents/ carers as appropriate.

## **Dealing With Allegations against Staff**



In the event of allegations being made against an employee/ artist the protection of the child/ young person is the first and paramount consideration.

Sligo Jazz Project has a dual responsibility in respect of the child/ young person and the worker. The same person will not have the responsibility for dealing with both the reporting issues and the employment issues. An allegation against an employee will be assessed promptly and carefully. If reasonable grounds for concerns exist a formal report to the Health Service Executive will be made. Sligo Jazz Project will ensure actions taken by them do not undermine or frustrate any assessment/ investigation by Health Service Executive/ Gardai.

Agreed procedures, applicable employment contract and the rules of natural justice will be followed. Sligo Jazz Project will take protective measures that are appropriate to the level of risk and not unreasonably penalise the employee/ artist unless necessary to protect the child/ young person i.e. increased supervision, assigned different duties, suspension.

#### **In the event of an allegation against an employee/ artist:**

There are two separate procedures to be followed:

1. The reporting procedures of the child/young person
2. The procedure for dealing with the employee

EDDIE MCFARLANE will deal with issues related to the child/ young person

EDDIE LEE will deal with issues related to the employee/ artist

- Priority is to ensure that no child or young person is exposed to unnecessary risk
- If allegations are made against the Designated Person then contact the Deputy Designated person
- The reporting procedures such as outlined under 'Reporting to the Health Service Executive/ Gardai' will be followed. Parents/carers and children (age appropriate) will be informed of actions planned and taken
- The employee/ artist will be informed as soon as possible
  - i. that an allegation has been made against him/her
  - ii. the nature of the allegation
- The employee/ artist should be given the opportunity to respond
- Inform the Chairperson/ Head of the Organisation as soon as possible
- Any action following an allegation of abuse against an employee should be taken in consultation with Health Service Executive and Gardai



- After consultation, chairperson/Head of organisation will advise person accused and agreed procedures will be followed.

- 

## **Complaints and Comments Procedure**

Sligo Jazz Project have a complaints and comments procedures and parents/ carers, children/ young people and staff and SLIGO JAZZ PROJECT will endeavour to make the aforementioned aware of these procedures. Consideration will be given to an appeals procedure.

A complaints and comments procedure could include the following:

- Complaints/comments will be responded to within two weeks;
- The Designated Child Protection Officer or in his/her absence the Deputy Designated Child Protection Officer has responsibility for directing complaints/ comments to the appropriate person;
- Verbal complaints will be logged and responded to.

## **Accidents Procedure**

Sligo Jazz Project have a Health and Safety Statement which includes a risk assessment of each area of operation.

- Sligo Jazz Project should be informed if any of the contact details in relation to the child/ young person changes
- Children/ young people's details should be cross-referenced between the incident book and file
- Outside organisations must provide proof that they have public liability insurance
- First aid boxes should be available, and regularly restocked
- The first aid box is stored at the meter box to the left of the sink in the Arts Department office.

Each employee/ artist should make themselves aware of the location of the first-aid box(es) in the location where they are carrying out the project / activities.

- Have a first aid person at off-site trips
- State where accidents/ incident books are stored
- Make children and young people aware of risks of dangerous materials
- Record details of risky equipment used and steps taken to minimise risk



## **APPENDIX I            Definitions of Abuse**

### **Definitions of Abuse**

There are four main categories of abuse as outlined in *Children First: National Guidelines for the Protection and Welfare of Children*.

- 1.        Neglect**
- 2.        Emotional abuse**
- 3.        Physical abuse**
- 4.        Sexual abuse**

#### **1.    Neglect**

Neglect can be defined as being where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, medical care, attachment to and affection from adults. When the child's needs are neglected to the extent that his or her development or well-being is severely affected there is considered to be significant harm.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

#### **2.    Emotional Abuse**

Emotional abuse usually happens where there is a relationship between a carer and a child rather than as a specific incident or incidents. Unless other forms of abuse are present it is usually not evident in physical signs or symptoms. Rather, it can manifest in the child's behaviour or physical functioning including 'anxious' attachment, unhappiness, low self-esteem, educational and developmental underachievement and uncooperative or hostile behaviour.

The threshold of significant harm is reached when interaction is predominantly abusive and become typical of the relationship between the child and the parent/carer. Examples of emotional abuse in children include;

- the imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming
- emotional unavailability by the child's parent/ carer
- unresponsiveness, inconsistent or inappropriate expectations of the child
- premature imposition of responsibility on the child
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control him/ herself in a certain way
- under or over – protection of the child
- use of unreasonably harsh discipline
- exposure to domestic violence.

#### **3.    Physical abuse**

Physical abuse is characterised as any form of non-accidental injury or injury as a result of wilful or neglectful failure to protect a child. Examples of physical abuse include:



- shaking
- use of excessive force in handling
- deliberate poisoning
- suffocation
- Munchausen's Syndrome by Proxy
- allowing or creating a substantial risk of significant harm to a child

#### 4. Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others. Example of sexual abuse includes:

- 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
- sexual intercourse with a child
- sexual exploitation of a child including exposing a child to sexually explicit material
- consensual sexual activity involving an adult and an under-age person.

Particular behavioural signs and emotional problems suggestive of child abuse in young children (0-10 yrs):

- Mood change, e.g. child becomes withdrawn, fearful, acting out;
- Lack of concentration (change in school performance)
- Bed wetting, soiling
- Psychosomatic complaints; pains, headaches
- Skin disorders
- Nightmares, changes in sleep patterns
- School refusal
- Separation anxiety
- Loss of appetite
- Isolation

Particular behavioural signs and emotional problems suggestive of child abuse in older children (10 yrs +):

- Mood change, e.g. depression, failure to communicate
- Running away
- Drug, alcohol, solvent abuse
- Self mutilation
- Suicide attempts
- Delinquency
- Truancy
- Eating disorders
- Isolation



**APPENDIX 2 Standard Incident Report Form**

**PRIVATE AND CONFIDENTIAL  
STANDARD FORM FOR REPORTING CHILD PROTECTION AND/OR WELFARE CONCERNS**

In case of emergency or outside Health Service Executive office hours, contact should be made with An Garda Síochána.

**A.** To Principal Social Worker/ Designate:

**1.** Details of child:

Name: Male:  Female:

Address: DOB:

School:

**1a.** Name of Mother:

Name of Father:

Address of Mother (if different to child):

Address of Father (if different to child):

Telephone no:

Telephone no:

**1b.** Care and custody arrangements regarding child, if known:

**1c.** Household composition

Name	Relationship to child	Date of birth	Additional Information (e.g. School/Occupation)

**Note:** A separate form must be completed in respect of each child being reported.

**2.** Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) (if known)

**3.** Details of person(s) allegedly causing concern in relation to the child:

Name: Age: Male:  Female:

Address:



Relationship to child:

Occupation:

**4. Name and address of other personnel or agencies involved with this child:**

Social Workers:

School:

Public Health Nurse:

Gardai:

GP:

Pre-school/ crèche/ youth club:

Hospital:

Other (specify)

**5a.** Are parents/legal guardians aware of this referral to the social work department? Yes  No

**5b. Are parents/legal guardians supportive?** Yes  No

**6. Details of persons reporting concerns:**

Name:

Occupation:

Address:

Nature and extent of contact with family:

Telephone number:

**7. Details of person completing form:**

Name:

Date:

Occupation:

Signed:

**GUIDANCE NOTES:**

The Health Service Executive has statutory responsibility under the Child Care Act 1991 to promote the welfare and protection of children in their area. The Health Service Executive therefore has an obligation to receive information about any child who is not receiving adequate care and/or protection.

This reporting form is for use by the designated officer in Sligo Jazz Project, or any professional, individual or group involved in the Company's services to children who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported.

Please fill in as much information and detail as is known to you. This will assist the social work department in assessing the level of risk to the child, or support services required. If the information requested is not known to you, please indicate by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

The Health Service Executive aims to work in partnership with parents. If you are making this report in confidence you should note that the Health Service Executive cannot guarantee absolute confidentiality as:

A court could order that information be disclosed.

Under the Freedom of Information Act 1997 the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a 'bona fide' report you are protected under the Protection for Persons Reporting Child Abuse Act 1998. If you are unsure whether you should report your concerns please telephone the duty social worker and discuss your concerns with him/her.

Sligo Jazz Project, Teach Mhuire, Cleveragh Rd., Sligo  
T: (071) 915 7862 E: info@sligojazz.ie W www.sligojazz.ie

Health Service Executive, Social Work Department, Community Services, Markievicz House, Sligo



T: (071) 9155133/36

Sligo Garda Síochána, Teeling Street, Sligo

T: (071) 9157000



### APPENDIX 3 - Artist/ Volunteer Reference Form

**Artist/ Volunteer Reference Form**  
**Confidential**

**[Name]** has expressed an interest in becoming a artist/ volunteer with this club/ organisation and has given your name as a referee.

This post involves substantial access to children and as an organisation committed to the welfare and protection of children, we are anxious to know if you have any reason at all to be concerned about this applicant being in contact with children and young people?

Yes  
No

If you have answered yes, we will contact you in confidence.

If you are happy to complete this reference, all information contained on the form will remain confidential and will only be shared with the applicant's immediate supervisor, should they be offered an artist/ volunteer position. We would appreciate you being extremely candid in your evaluation of this person.

How long have you know this person?

In what capacity?

What attributes does this person have which you would consider makes them a suitable artists/ volunteer?

How would you describe their personality?

Please rate this person on the following (please tick);

	Poor	Average	Good	V/Good	Excellent
Responsibility	<input type="checkbox"/>				
Maturity	<input type="checkbox"/>				
Self-Motivation	<input type="checkbox"/>				
Motivation of Others	<input type="checkbox"/>				
Energy	<input type="checkbox"/>				
Trustworthiness	<input type="checkbox"/>				
Reliability	<input type="checkbox"/>				

Signed:

Occupation:



Date:

A large, empty rectangular box with a black border, intended for writing the date.



## APPENDIX 4

## Declaration Form

### Declaration Form Confidential

Declaration form for all those working with children and young people.

Surname:

First name:

Date of birth:

Place of Birth:

Address:

Tel. No:

Mobile No.

Any other name(s) previously known as:

Is there any reason that you would be considered unsuitable to work with children and young people?

Yes

No

If yes, please outline the reason below:

Have you ever been convicted of a criminal offence?

Yes

No

If yes, please state below the nature and date(s) of the offence(s):

Signed:

Date:



## **APPENDIX 5      National Guidelines and Further Reading**

### **Key legislative provisions and national guidelines and further reading**

The Child Care Act, 1991

The Domestic Violence Act, 1996

Protection for Persons Reporting Child Abuse Act, 1998

The Data Protection Acts, 1988 - 2003

The Education Act, 1998

UN Convention on the Rights of the Child, 1992

The Non-Fatal Offences against the Person Act, 1997

The Freedom of Information Acts, 1997 – 2003

The Equal Status Acts, 2000-2004

*Children First: National Guidelines for the Protection and Welfare of Children*  
Department of Health and Children, September 1999

*Our Duty to Care - The principles of good practice for the protection of children and young people*, Department of Health and Children, 2002

*Child Protection Guidelines* National Youth Federation, 2004

*Code of Ethics Good Practice for Children's Sport* Irish Sports Company, 2000

*Code of Good Practice: Child Protection for the Youth Work Sector*, Department of Education and Science, 2003



## APPENDIX 6      **Company Departments with regular contact with Children**

### List of areas in the Company with regular contact with children\*

- All Library posts
- Park Employees
- School Wardens
- Road Safety Officer
- Arts Officers
- Housing Staff (Housing and Maintenance)
- Litter Wardens
- Dog Wardens
- Fire Service (particularly those involved in visiting schools)
- Caretakers
- Sports Centres
- Museum employees
- Environmental Schools Programme
- Revenue Collectors
- Community Liaison Officers
- RAPID Co-Ordinators
- Community and Enterprise Officers
- Civil Defence (employees and volunteers)
- Lifeguards
- Cemetery employees
- Comhairle na nÓg (employees and volunteers)
- Junior Achievement (employees and volunteers)
- Volunteers engaged in a range of activities

\*Please note that list is non-exhaustive.



## **APPENDIX 7 Chapter 12 of National Guidelines**

### **Children First – National Guidelines for the Protection and Welfare of Children**

#### **Chapter Twelve: Allegations of Abuse against Employees and Volunteers**

##### **12.1 Purpose**

This chapter provides guidance to employers in a situation where an allegation of abuse is made against an employee. In this context, employees also include unpaid volunteers as well as foster-parents. Employers may encompass disability organisations, schools, crèches or nongovernmental organisations such as sports clubs. The guidelines are offered to assist managers in having due regard for the rights and interests of the child on the one hand and those of the employee against whom the allegation is made on the other hand. Employers have a dual responsibility in respect of both the child and the employee. All employers should have agreed procedures to address situations where allegations of child abuse are made against an employee.

##### **12.2 General Procedures**

**12.2.1** It is important to note that there are two procedures to be followed here:

- (i) the reporting procedure in respect of the child;
- (ii) the procedure for dealing with the employee.

In general it is recommended that the same person should not have responsibility for dealing with both the reporting issues and the employment issues. It is preferable to separate these issues and manage them independently. These procedures should be followed in the event of suspicion or disclosure of abuse against an employee.

**12.2.2** Staff/volunteers may be subjected to erroneous or malicious allegations. Therefore any allegation of abuse should be dealt with sensitively and support provided for staff including counselling where necessary. However, the primary goal is to protect the child while taking care to treat the employee fairly.

##### **12.3 Guidance on Reporting**

**12.3.1 All organisations providing services to children should have clear written procedures on the action to be taken if allegations of abuse against employees are received.** Guidance should be provided for both children and staff/volunteers on how to report suspected abuse. The need for awareness and to report concerns should be reinforced through training and supervision.

**12.3.2** Employers should ensure that children and staff are aware of internal line management reporting procedures. Employees should also be aware of the appropriate authorities to whom they should report outside the organisation if they are inhibited for any reason in reporting the incident internally or where they are dissatisfied with the internal response.

##### **12.4 Employer's Responsibility to Report to Statutory Authorities**

**12.4.1** Where an employer becomes aware of an allegation of abuse by an employee the standard procedure for reporting allegations to the health board should be followed without delay (see Chapter Four). Health Boards should have their own internal reporting procedures in place in regard to allegations made against their employees.

**12.4.2** Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed reasonably and in good faith. When an allegation is received it should be assessed promptly and carefully. It will be necessary to decide whether a formal report should be made to the health board; this decision should be based on reasonable grounds for concern as outlined in Chapter Four.



**12.4.3** When an employer becomes aware of an allegation of abuse of a child or children by an employee during the execution of that employee's duties, the employer should privately inform the employee of the following:

- (i) the fact that an allegation has been made against him/her;
- (ii) the nature of the allegation.

The employee should be afforded an opportunity to respond. The employer should note the response and pass on this information when making the formal report to the health board.

**12.4.4** Organisations as well as individuals may avail of the immunity from civil liability provided in the Protections for Persons Reporting Child Abuse Act, 1998 provided they report "reasonably and in good faith" to the appropriate authorities. Section 3(1) of the Act states:

"3.(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that

- (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- (b) a child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person".

## **12.5 Procedures for Dealing with Employees and Employer's Duty of Care to Children**

**12.5.1** When an allegation is made against an employee, the following steps should be taken:

- (i) Action should be guided by the agreed procedures, the applicable employment contract and the rules of natural justice.
- (ii) The Chairperson (or equivalent head of organisation) should be informed as soon as possible.
- (iii) The first priority should be to ensure that no child is exposed to unnecessary risk. The employer should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children. Where protective measures do penalise the employee, it is important that early consideration be given to the case.
- (iv) The follow up on an allegation of abuse against an employee should be made in consultation with the health board and An Garda Síochána. An immediate meeting should be arranged with these two agencies for this purpose.
- (v) After these consultations referred to above and when pursuing the question of the future position of the employee, the Chairperson (or equivalent head of organisation) should advise the person accused of the allegation and the agreed procedures should be followed.
- (vi) Employers/managers should take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by the health board or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

## **12.6 Guidance for Health Boards**

**12.6.1** Health boards will regularly receive allegations of abuse against people who have contact with children in their workplace or in a sports or youth club. If the health board considers that children are, or may be, at risk from the alleged abuser, they should contact the institution or employer immediately. In this situation it is not necessary to notify the alleged abuser in advance of the allegations against him or her.

**12.6.2** Where a health board proposes to notify an alleged abuser's employer or person-in-charge of a club where (s)he attends, and where there is no immediate danger to children, the alleged abuser must be notified in advance of the allegations against him/her. The approach to an employer/person-in-charge in such cases may take place at any stage in the wider investigation and it may be practical that such an approach does not take place until any criminal or health board investigation has concluded.

**12.6.3** Health boards should put arrangements in place to provide feedback to employers/persons-in-charge in regard to the progress of a child abuse investigation involving an employee. Efforts should be made by health



boards to investigate complaints against employees promptly and to complete their assessment as quickly as possible bearing in mind the serious implications for the innocent employee. Employers/persons-in-charge should be notified of the outcome of an investigation. The health board should pass on reports and records to the employer and to the employee in question where appropriate. This will assist the employer/person-in-charge in reaching a decision as to the action to be taken in the longer term concerning the employee.

**END**