

**Comhairle Contae
Fhine Gall
Fingal County
Council**



Corporate Child Safeguarding Statement

May 2018

1. INTRODUCTION

Fingal County Council is a local authority which provides the full spectrum of local government activities including a wide range of services and facilities from roads infrastructure to parks, open spaces, community centres, libraries and housing. It is inevitable that staff will, on occasions, come into contact with children availing of the services we provide. Appendix I details the services provided by Fingal County Council where there is a greater likelihood of contact with children in service provision. This list is not exhaustive and the Council operates from a default position that staff may come into contact with children availing of any of the services that we provide. Fingal County Council employs 1,400 staff approximately in the delivery of its services.

This Corporate Child Safeguarding Statement has been produced having due regard to the Children First Act 2015, the Children First – National Guidance for the Protection and Welfare of Children, TUSLA Guidance on Developing a Child Safeguarding Statement and Fingal County Council Policy and Procedures for the Protection and Safeguarding of Children.

The purpose of this overarching Corporate Child Safeguarding Statement is to examine and put in place principles and procedures to be observed in service provision to ensure, as far as practicable, that a child availing of a service is safe from harm.

2. UNDERSTANDING RISKS

The Children First Act 2015 defines risk as "any potential for harm to a child while availing of a service. Harm in relation to a child is defined as:

- (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or
- (b) sexual abuse of the child, whether caused by a single act, omission, or circumstance or a series or combination of acts, omissions or circumstances or otherwise".

3. DEFINITIONS

- 3.1 **Child:** Person who has not attained 18 years of age, excluding a person who is or has been married.
- 3.2 **Employee:** Any person who works for a local authority under a contract for employment. This contract may be expressed or implied and be oral or in writing. An employee may be employed full time or part time or in a temporary capacity.
- 3.3 **Concern:** "A 'concern' within the context of this policy is defined as the knowledge or suspicion that a child is at risk of or has been subjected to abuse or neglect. Such concerns shall be supported by evidence or indicators of abuse and/or neglect".
- 3.4 **Contractor:** Any individual, employer or organisation whose employees undertake work for a fixed or other sum and who supplies the materials and labour (whether their own labour or that of another) to carry out such work, or supplies the labour only on behalf of a local authority.
- 3.5 **Volunteer:** Any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.
- 3.6 **Vulnerable person** means a person, other than a child, who –
 - (a) Is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
 - (b) Has an intellectual disability
 - (c) Is suffering from a physical impairment, whether as a result of injury, illness or age, or

(d) Has a physical disability,

which is of such a nature or degree –

- (i) As to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) That results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

4. PRINCIPLES TO SAFEGUARD CHILDREN FROM HARM

Fingal County Council is committed to a child-centred approach to our work with children in the delivery of all our services and activities. The Council acknowledges that it has an overall corporate duty and responsibility to safeguard the children accessing our services and activities.

Fingal County Council is committed to:

- Promoting general welfare, health development and safety of children;
- Ensuring safe management procedures are in place for all staff and volunteers including: robust recruitment, selection, supervision and support procedures;
- Developing guidance and procedures for staff and volunteers who may have reasonable grounds for concern about the possible abuse or neglect of a child involved in the services or activities of the Council;
- Ensuring Designated Child Protection Liaison Officers are appointed and accessible;
- Ensuring that the Council has procedures in place to deal with an allegation of abuse made against an employee/volunteer;
- Raising awareness in the organisation about potential risks to children's safety/welfare;
- Developing procedures for responding to accidents and complaints
- Developing and maintaining clear record keeping procedures;

Fingal County Council's child-centred approach means to:

- Treat all children equally
- Listen to and respect children
- Involve children as appropriate
- Provide encouragement, support and praise (regardless of ability)
- Use appropriate language (verbal and physical)
- Have fun and encourage a positive atmosphere
- Offer constructive criticism when needed
- Treat all children as individuals
- Respect a child's personal space
- Use age-appropriate teaching aids
- Lead by example
- Be aware of child time limitations e.g. school/exams when scheduling activities
- Create an atmosphere of trust
- Be aware of the *Equal Status Act 2000-2010* which relates to discrimination based on nine grounds:
 - Gender
 - Civil Status
 - Family Status
 - Age
 - Race
 - Religion
 - Disability
 - Sexual Orientation
 - Membership of the Traveller community
- Use all information in respect of children only for the purpose for which it is given, subject to child protection concern(s).

5. CORPORATE RISK ASSESSMENT – PROTECTION AND SAFEGUARDING OF CHILDREN

	RISK	LIKLIHOOD	SEVERITY	RISK RATING BEFORE CONTROLS	CONTROL MEASURES	RISK OWNER
1.	Non-compliance with Legislation and Policy/Procedures by Employees, Contractors and Volunteers	3	5	15	<ol style="list-style-type: none"> 1. Implement Training Programme 2. On-going monitoring 3. Half-yearly report to Exec. Management Team 	<p>Training Officer</p> <p>Designated Child Protection Liaison Officer</p>
2.	Weakness in Selection and Appointment of Employees who interact with Children	2	5	10	<ol style="list-style-type: none"> 1. Interview Board Training 2. Garda Vetting 	<p>Training Officer</p> <p>SEO- H.R.</p>
3.	Failure to report internally or externally a Child Protection concern.	2	5	10	<ol style="list-style-type: none"> 1. Designated Child Protection Liaison Officer in place. 2. Deputy designated Child Protection Liaison Officer in place 3. Code of Practice circulated to Staff 4. Awareness Training for Supervisors and Staff 	<p>Training Officer</p> <p>Child Protection Liaison Officer</p> <p>SEO – H.R.</p>
4.	Harm to Children and Vulnerable Persons	2	5	10	See controls at 3 above. In addition, incident reported to H.S.E.	<p>Designated Child Protection Liaison Officer</p> <p>SEO – H.R.</p>
5.	Failure to undertake specific service Risk Assessments	2	3	6	<ol style="list-style-type: none"> 1. Manager and Supervisor Training 2. Monitoring by designated Child Protection Liaison Officer 3. Half-yearly reports to Executive Management Team 	<p>Training Officer</p> <p>Designated Child Protection Liaison Officer</p>
6.	Appointment of Employees and Volunteers without completing Garda Vetting Procedures	2	5	10	<ol style="list-style-type: none"> 1. Monitoring by Designated Child Protection Liaison Officer 2. Monitoring by SEO – H.R. 3. H.R. Staff Training 	<p>Designated Child Protection Liaison Officer.</p> <p>SEO – H.R.</p> <p>Training Officer</p>
7.	Weaknesses in the Management and Supervision of Employees and Volunteers from a safeguarding perspective	2	4	8	<ol style="list-style-type: none"> 1. Training for Management and Staff 2. Monitoring by Designated Child Protection Liaison Officer 3. Half yearly report to Exec. Management Team 4. Production of Code of Practice 	<p>Training Officer</p> <p>Designated Child Protection Liaison Officer</p>
8.	Training for Managers, Employees and Volunteers on responsibilities for safeguarding of children not provided	2	4	8	<ol style="list-style-type: none"> 1. Inclusion in Training Programme 2. Monitoring by Designated Child Protection Liaison Officer 	<p>Training Officer</p> <p>Designated Child Protection Liaison Officer</p>
9.	Breach of confidentiality and Data Protection of reported or suspected safeguarding of Children concerns	2	5	10	<ol style="list-style-type: none"> 1. Inclusion of Data Protection in Training 2. Monitoring by SEO – H.R. 	<p>Training Officer</p> <p>SEO- H.R.</p>

10	Employee not supported in the event of an allegation received of misconduct or abuse	2	5	10	1. Monitoring by designated Child Protection Liaison Officer	Designated Child Protection Liaison Officer
11	Inadequate communication of the Policy and Procedures on Child Protection to Managers and Staff	2	5	10	1. Intranet 2. Code of Practice issued to Staff 3. Manager and Employee Training	Training Officer Designated Child Protection Liaison Officer

6. SUBSIDIARY SERVICE SPECIFIC CHILD SAFEGUARDING STATEMENTS

The Senior Responsible for each Division or Activity where a Child avails of a Service/Activity is responsible for their service specific child safeguarding statement for that Division/Activity. This statement will specify the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm. The statement will also include a Risk Assessment which will outline the specific risks that may arise as a result of the Service provided and how these risks will be managed. All Staff, Contractors and Volunteers working in or for that Division/Activity will comply fully with the Service Specific Child Safeguarding Statement and the Corporate Child Safeguarding Statement.

7. DESIGNATED CHILD PROTECTION LIAISON OFFICER AND DEPUTY DESIGNATED CHILD PROTECTION LIAISON OFFICER

The Council will appoint and train a designated Child Protection Liaison Officer and a Deputy Designated Child Protection Liaison officer in keeping with best practice in child safeguarding. These persons will be resource persons for any Staff Member or Volunteer who has Child Protection concerns and will liaise with outside Agencies. The Designated Liaison Person is responsible for ensuring that reporting procedures within the Council are followed, so that Child Welfare and Protection concerns are referred promptly to TUSLA/Gardai. The Designated Liaison Person will record all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse.

8. MAKING THE CHILD SAFEGUARDING STATEMENT AVAILABLE

Upon completion, the Corporate Child Safeguarding Statement will be made available to all Staff and Volunteers. The Service Specific Child Safeguarding Statement will be made available to relevant Staff and Volunteers. The Corporate Child Safeguarding Statement and where appropriate the Service Specific Child Safeguarding Statement will be displayed publically and it will be made available to Parents and Guardians, TUSLA and Members of the Public upon request. The Corporate Child Safeguarding Statement and subsidiary Service Specific Child Safeguarding Statements will be reviewed every two years, or sooner if there has been a material change in any of the issues to which it refers.

9. RECRUITMENT AND SELECTION OF STAFF

Staff employed by Fingal County Council are recruited through a transparent and fair Recruitment Process. In addition, the Council will secure vetting disclosures from An Garda Síochána when employing people who work in a full-time, part-time, voluntary or student placement basis with Children and/or Vulnerable Adults.

10. INFORMATION AND TRAINING

Fingal County Council acknowledges its responsibility to identify what training Staff and Volunteers need and will ensure that they receive adequate and appropriate Child Welfare and Protection Information and Training. All Staff and Volunteers will be provided with good quality information on the recognition and reporting of Child Protection and Welfare concerns. Training will also include clear information about the role of the Statutory Agencies with Primary responsibility in Child Protection and Welfare, namely, TUSLA and An Garda Siochana.

Selected Staff across Divisions will receive training in the carrying out of risk assessments and the production of subsidiary service specific Child Safeguarding Statements.

The Designated Child Protection Liaison Officer and Deputy Designated Child Protection Liaison Officer will receive adequate Child Protection and Welfare Information and Training to enable them to undertake their roles.

The Council will also produce a Code of Behaviour for the Protection and Safeguarding of Children for distribution to Staff and Volunteers who interact with Children in the performance of their duties.

11. PROCEDURE FOR REPORTING A CHILD PROTECTION OR WELFARE CONCERN

All Employees and Volunteers must inform the Designated Child Protection Liaison Officer or Deputy if they have reasonable grounds for concern that a Child may have been, is being, or is at risk of being abused or neglected. The procedure for reporting a concern is as follows:

Reporting Procedures for Suspected/Disclosed abuse

Employee/volunteer has a concern or suspicion



Inform the Designated Child Protection Liaison Officer using form in Appendix 2 (in the event of an emergency or the non-availability of the Child Protection Person, the report should be made directly to Tusla and/or An Garda Siochana)



Designated Child Protection Liaison Officer to consult/inform Child and Family Agency



Designated Child Protection Liaison Officer to inform parent(s)/guardian(s) if making a report **unless doing so would endanger the child or undermine the investigation**



Designated Child Protection Liaison Officer to report to An Garda Siochana if unable to reach social worker – i.e. during an emergency or during out of hours

All concerns reported, actions taken, and outcomes should be recorded by the Designated Child Protection Liaison Officer in line with Data Protection Act, 2003.

Where the Designated Child Protection Liaison Officer or Deputy decides not to report concerns to TUSLA or An Garda Siochana, the individual Employee or Volunteer who raised the concern will be

Given a clear written statement of the reasons why action is not being taken. The Employee or Volunteer will be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to TUSLA or An Garda Síochána.

12. PROCEDURE FOR CHILD PROTECTION/SAFEGUARDING ALLEGATIONS AGAINST AN EMPLOYEE OR VOLUNTEER.

- 12.1 Where an allegation of abuse of a child is made against an Employee or Volunteer, the Reporting Procedure outlined at 11 above will be followed.
- 12.2 It is important to note that the investigation of suspected child abuse is the responsibility of the Statutory Authorities. Fingal County Council is required to 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.
- 12.3 When an allegation of Child Abuse is made against an employee or volunteer, the following procedure shall be followed:
- (i) The Designated Child Protection Liaison Officer will be informed of the allegation;
 - (ii) The Designated Child Protection Liaison Officer will inform the Director of Corporate Affairs and Governance and the Senior Executive Officer, H.R., of the allegation;
 - (iii) The Designated Child Protection Liaison Officer will follow the Standard Reporting Procedure to Tusla (TUSLA);
 - (iv) The employee/volunteer will be informed, in confidence, that an allegation has been made against him/her, the nature of the allegation and their response will be noted and passed on to TUSLA;
 - (v) The key priority will be to ensure that no child is exposed to unnecessary risk. Fingal County Council shall as a matter of urgency take any necessary protective measures. These measures will be proportionate to the level of risk.
 - (vi) The action to be taken by Human Resources will be guided by the agreed internal procedures i.e Council's Grievance and Disciplinary Procedures, the applicable employment contract and the rules of natural justice, where appropriate;
 - (vii) The Chief Executive will be informed as soon as possible of the allegation by the Director Corporate Services.
- 12.4 Employees/volunteers may be subjected to erroneous or malicious allegations. Therefore, any allegation of abuse shall be dealt with sensitively and support will be offered to employees/ volunteers via the Council's Staff Welfare Officer

13. PROCEDURE FOR A PROVIDER OF A 'RELEVANT SERVICE' / CONTRACTOR.

Where Fingal County Council funds, part-funds or provides grants to organisations providing relevant services as specified in the Schedule to the Children First Act 2015, the Council will ensure that service level, part-funding and grant agreements will include children first compliance criteria as part of funding conditions.

The provider of a "relevant service"/contractor supported by Fingal County Council through the provision of resources will be required to have in place appropriate child protection policies and procedures. It is the responsibility of each provider of a "relevant service"/Contractor engaged by Fingal County Council through the provision of resources to undertake an assessment of any potential for harm to a child while providing the service and to confirm they have a written Child Safeguarding Statement in place.

14. GOVERNANCE

14.1 CHIEF EXECUTIVE. The ultimate responsibility for ensuring that Fingal County Council complies with the Children First Act, 2015 and Children First: National Guidance 2017 for the Protection and Welfare of Children availing of services provided by Fingal County Council lies with the Chief Executive.

The Chief Executive is responsible for the following:

- Ensure that adequate arrangements are in place within Fingal County Council to protect from harm, as far as is reasonably practical, children availing of services provided by the Organisation
- Nominate competent staff to be responsible for the various aspects of the Council's Policy and Procedures for the Protection and Safeguarding of Children
- Ensure that Child Protection and Welfare Issues are communicated effectively to all Staff
- Allocate adequate funding to meet regulatory requirements
- Sign off on Fingal County Council's Policy and Procedures for the Protection and Safeguarding of Children.

14.2 DIRECTOR OF CORPORATE AFFAIRS AND GOVERNANCE. Authority for the management of arrangements in place in Fingal County Council complying with the Children First Act 2015 and Children First: National Guidance 2017 for the Protection and Welfare of Children availing of services provided by Fingal County Council is delegated to the Director of Corporate Affairs and Governance.

- The Director of Corporate Affairs and Governance is responsible for:
- Production of Corporate Risk Assessment – Protection and Safeguarding of Children
- Production of Corporate Child Protection Statement
- Ensuring that the Chief Executive and the Management Team are updated half-yearly on Child Protection and Welfare issues occurring in the Council
- Appointment of Child Protection Liaison Officer and Deputy.

14.3 DIRECTOR OF SERVICES/HEAD OF FUNCTION/LAW AGENT/COUNTY ARCHITECT. The Director of Services/Head of Function/Law Agent/County Architect is responsible for the management of arrangements in place in their Departments complying with the Children First Act 2015 and Children First: National Guidance 2017 for the Protection and Welfare of Children availing of Service provided by their Departments. The Director of Service/Head of Function/Law Agent/County Architect is responsible for:

- Approving of service specific risk assessments within their Departments
- Approving of service specific child protection statements for their Departments
- Ensure reasonable resources are available to devote to Child Protection and Welfare matters
- Contribute to review of Corporate Risk Assessment and Corporate Child Protection Statement
- Ensure Child Protection and Welfare is a topic that is reviewed regularly at Senior Management level within their Departments
- Be familiar with the appropriate statutory requirements and the Councils Policy and Procedures for the Protection and Safeguarding of Children

14.4 SENIOR EXECUTIVE OFFICER, ANALOGOUS AND RELATED GRADES. The staff at this level have overall responsibility for the day to day management of arrangements in place in relation to Child Protection and Welfare matters within their Divisions.

The Staff at this level shall:

- Produce and review, where appropriate, service specific risk assessments in their Divisions

- Produce and review where appropriate (at least every 2 years) service specific child protection statements in their Divisions
- Ensure staff within their Divisions report child protection and welfare concerns to the Designated Child Protection Liaison Officer or deputy
- Ensure staff within their Divisions are adequately informed and where necessary trained in Child Protection and Welfare matters
- Ensure Child Protection and Welfare is a topic on agendas of team meetings within their Divisions
- Ensure staff within their Divisions comply with the Code of Behaviour on Child Protection and Welfare

14.5 SENIOR EXECUTIVE OFFICER – H.R. In addition to responsibilities at 14.4 above, the Senior Executive Officer, Human Resources will:

- Ensure Garda vetting procedures are complied with in the case of staff appointments
- Ensure the provision of adequate child protection training
- Ensure the production and communication to all staff of the code of behaviour on Child Protection
- Oversee the communication of the policy and procedures on Child Protection to Managers and Staff
- Ensure that where actions are taken by the Human Resources Department in response to alleged Child abuse, such actions are guided by the agreed Internal Procedures
- Ensure that where erroneous or malicious allegations of abuse are made against employees/volunteers, such allegations are treated sensitively and support is offered to Employees/Volunteers via the Staff Welfare Officer.

14.6 ALL STAFF. All Staff will:

- Attend Awareness Training on Child Safeguarding
- Be familiar with the Corporate Child Safeguarding Statement
- Be familiar with the Service Specific Child Safeguarding Statement relating to their Section (if appropriate).
- Adhere to the Code of Behaviour for the Protection and Safeguarding of Children availing of Services provided by the Council
- Inform the Designated Child Protection Liaison Officer or Deputy if they have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

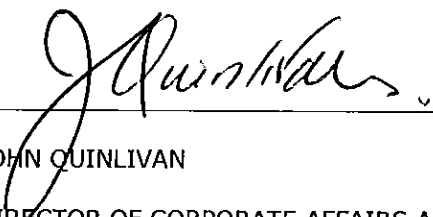
14.7 DESIGNATED CHILD PROTECTION LIAISON OFFICER AND DEPUTY. The designated person will:

- Promote adherence to the Child Protection Policy and Procedures
- Receive and consider Child Protection concerns
- Act as a resource person to staff and volunteers providing support and guidance in matters relating to child protection
- Facilitate the provision of support to the Staff making a referral
- Ensure reports regarding Child Protection and Welfare from Staff and Volunteers are first discussed with them and then countersigned by them.
- Ensure the reporting and follow up of referrals to the TUSLA/Gardai and ensuring that procedures are followed systematically
- Ensure proper records are kept on any interventions/decisions made during the process.

15. IMPLEMENTATION

This Corporate Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, The Children First: National Guidance, and TUSLA's Guidance on Developing a Child Safeguarding Statement. It is recognised that implementation is an on-going process. Fingal County Council is committed to the implementation of this Corporate Child Safeguarding Statement, the Service Specific Child Safeguarding Statements and the procedures

that support our intention to keep children safe from harm while availing of our services. This Corporate Child Safeguarding Statement will be reviewed in June 2020 or as soon as practicable after there has been a material change in any matter to which the Statement refers.



JOHN QUINLIVAN
DIRECTOR OF CORPORATE AFFAIRS AND GOVERNANCE

DATE: 31/5/2018

APPENDIX I – LOCAL GOVERNMENT SERVICES WHICH MAY INVOLVE CONTACT WITH CHILDREN.

1. Libraries
2. Parks
3. Playgrounds
4. School Warden service
5. Road Safety Officers
6. Arts Office/Arts staff
7. Community and Enterprise services/staff (to include groups grant aided with community grants)
8. Housing (Housing and Maintenance)
To include homeless services; Housing Welfare Officers/Social Workers, Revenue Collectors and Inspectors for private rented dwellings and Housing Caretakers
9. Litter Warden service
10. Caretakers
11. Sports Officers
12. Human Resources (to include students on placements)
13. Environmental Schools programme
14. Cemetery employees
15. Tenant Liaison Officers Traveller Liaison Officers
16. Social Workers
17. Events staff; (Porters; Public Domain Officers; Staff involved in public consultation; Press office staff and volunteers engaged in a range of activities)
18. Access Officer
19. Planning Inspectors, Building Control Inspectors, Conservation Officers

N.B. This list is not exhaustive and is subject to revision.

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