



**RCSI**

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## CHILD SAFEGAURDING POLICY

### Document Control

Version	Date	Action	Author
0.1	22/08/2018	Draft Child Safeguarding Policy	Ailís Leonard
0.2	21/11/2018	Draft 2 Child Safeguarding Policy	Barry Holmes & Ailís Leonard

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Version	Name	Title	Dept.	Reviewed Date
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# CHILD SAFEGAURDING POLICY

## Introduction

Whilst RCSI owes a duty of care to all its students, it also has a particular responsibility to safeguard; the welfare of any individual under the age of 18 who under Irish law (Child Care Act 1991) is determined as being a child, excluding a person who is married or who has been married.<sup>1</sup>

RCSI acknowledges that this responsibility applies whether the child is a student of the College or is otherwise under the care or supervision of College staff.

## Legal Background

The main legislation governing the care and protection of children in Ireland is Article 42A Irish Constitution and the Child Care Act 1991. The Domestic Violence Act, 1996, Protections for Persons Reporting Child Abuse Act, 1998, Commission to Inquire into Child Abuse Act 2000, Sex Offenders Act 2001 and United Nations Convention on the Rights of the Child (UNCRC) are also relevant to child protection and welfare. **Appendix A** contains a link to each of these Acts.

Pre-employment checking for statutory organisations in Ireland is carried out through the Garda Central Vetting Unit (GCVU). When the GCVU receives a vetting request, a check is conducted and within current disclosure policy, details of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be disclosed to the authorised liaison person in the registered organisation.

## Aim of Child Safeguarding Policy

The Child Safeguarding Policy protects children and promotes good practice by providing children with appropriate safety and protection whilst involved in College activities or visiting the College.

- The primary aim of the policy is to provide a mechanism for dealing with any suspected incidents of child abuse on campus or which may be brought to the attention of a member of staff.

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<sup>1</sup> Child Care Act 1991, the Children Act 2001 and the United Nations Convention on the Rights of the Child

- It allows staff and students of the College to make informed decisions and confident responses to specific child protection issues.
- The policy is not intended to replace the existing structures within the College such as the student complaints, dignity at work and respect policies which exist in parallel.
- The College takes proactive steps in recruitment and in other areas to minimise risk with regard to child protection.

### **Scope of policy**

This document is intended for all College staff, students, contractors and those working on a voluntary or unpaid basis on behalf of the College. It is also intended for all service providers, third party users, licensees, visitors and campus companies located on campus.

### **Policy Statement**

The Colleges' Child Safeguarding Policy is based on a legal framework provided primarily by the Child Care Act 1991 and the Children First Act 2015. The main purpose of this policy is to maintain the highest possible standards in regards to our obligation to protect and safeguard children. There are a number of key principles addressed in this policy in regards to identification of abuse, the procedure to report when there is a concern about a child's welfare, or when an allegation is made about staff or students of the College.

### **Child Safeguarding Officer**

The College will appoint a Designated Liaison Person/Child Safeguarding Officer to act as a liaison with outside agencies and as a resource person to any staff member or volunteer who has child protection concerns. The College shall also appoint a deputy Child Safeguarding Officer who shall discharge the duties and functions of the Child Safeguarding Officer in the absence of the Child Safeguarding Officer.

### **Responsibility of Child Safeguarding Officer**

The Child Safeguarding Officer is responsible, in particular, for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in the Child and Family Agency Children and Family Services, or in the event of an emergency and the unavailability of the Child and Family Agency, to An Garda Síochána.

### **Role of Designated Liaison Person/Child Safeguarding Officer**

- Establish contact with the senior member of Community Services responsible for child protection in the College's catchment area, i.e. Child Care Manager or Principal Social Worker;
- Provide information and advice on child protection within the College;
- Ensure that College's Child Safeguarding Policy and procedures are followed and reviewed at least once every three years;

- Report reasonable allegations or suspicions of child abuse to the Child and Family Agency, any other relevant statutory authority and/or An Garda Síochána and maintain College records in relation to any such report (except in those cases where responsibility for reporting such allegations or suspicions and maintaining appropriate records rests with partner organisations later addressed in the policy)
- The Child Safeguarding Officer shall also report to the appropriate College officer any reasonable suspicion or allegation of child abuse or neglect held or made in respect of a member of the College personnel, the appropriate College officer being, in the case of a student or of an academic member of staff, the Dean of the Faculty of Medicine and Health Sciences or his/her nominee, and in the case of a non-academic member of staff, the Director of Human Resources or his/her nominee.
- Convene meetings of such staff as are deemed appropriate to advise the Child Safeguarding Officer on, e.g. how to assess an allegation of child abuse made against a student or member of staff, what steps, if any, to take to protect children apart from referring the allegation to the Child and Family Agency/Gardaí, etc. participants in such meetings to be bound by the requirements of this policy, specifically in relation to the duty of confidentiality;
- Following the reporting of suspected child abuse to the civil authorities, inform the parents/guardians of a child of concerns that their child may have been harmed or abused and that the matter has been reported to the authorities unless it is the case that so notifying the parents/guardians might pose a risk of harm to the child or any other child. A decision not to inform the parents/guardians should be recorded in writing together with the reasons for not doing so and the relevant civil authorities should be notified that the parents/guardians have not been informed;
- Ensure appropriate information is available at the time of referral of child protection concerns to the appropriate authorities and that the referral is confirmed in writing, under confidential cover;
- Liaise with Community Services/An Garda Síochána and other agencies as appropriate;
- Ensure that an individual case record is maintained of the action taken by the College, the liaison with other agencies and the outcome;
- Ensure that any person reporting alleged child abuse is aware of the supports available to him/her from College;
- Advise the College of child protection training needs;
- Ensure that clear procedures in relation to record keeping of child protection and welfare concerns are in place and are operating effectively, taking appropriate account of the need to ensure that such records are kept securely. For further information please revert to section titled Records Management.
- Where the Child Safeguarding Officer decides not to make a formal report to the Child and Family Agency and/or An Garda Síochána, s/he shall keep a record of the concerns on file, shall record the reasons for not reporting the matter and shall give

the person who made the initial report a clear written statement of the reasons why a formal report is not being made to the civil authorities. That person should also be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, the State authorities and that the provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate “reasonably and in good faith”.

### **Definition and Recognition of Child Abuse**

According to Children First: National Guidance for the Protection and Welfare of Children 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.

#### **Definition of ‘neglect’**

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child’s health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.

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.

#### **Definition of ‘emotional abuse’**

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child’s developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- emotional unavailability of the child's parent/carer;
- unresponsiveness of the parent/carer and/or 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 himself or herself in a certain way;
- under- or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

#### **Definition of 'physical abuse'**

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- allowing or creating a substantial risk of significant harm to a child



### **Definition of '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. Examples of child sexual abuse include:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal;
- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts.
- Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse;
- consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

### **Recognising child neglect or abuse**

Child neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of child abuse is contained in Appendix 1 (of Children First National Guidance, 2017). No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

### **Guidelines for recognition**

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 or abuse:

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) recording of information.

### **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 also 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 be 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 Child and Family Agency Children and Family Services. The child should not be interviewed in detail about the alleged abuse without first consulting with the Child and Family Agency Children and Family Services. This may be more appropriately carried out by a social worker or An Garda Síochána. Less obvious signs could be gently explored with the child, without direct questioning. Play situations, such as drawing or story-telling, may reveal information.

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

- disclosure of abuse by a child or young person;
- age-inappropriate or abnormal sexual play or knowledge;
- specific injuries or patterns of injuries;
- absconding from home or a care situation;
- attempted suicide;
- underage pregnancy or sexually transmitted disease;
- 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 must be considered in the 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, for example, by informing the Child and Family Agency Children and Family Services, 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 as to how such information is stored and to whom it is made available.

### **Children with additional vulnerabilities**

Certain children are more vulnerable to abuse than others. Such children include those with disabilities, children who are homeless and those who, for one reason or another, are separated from their parents or other family members and who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are applicable, but may take a slightly different form. For example, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints

### **Fatal child abuse**

In tragic circumstances where a child dies as a result of abuse or neglect, there are four important aspects to be considered:

- Criminal,
- Child protection,
- Bereavement and
- Notification

**Criminal aspects:** This is the responsibility of An Garda Síochána and they must be notified immediately. The Coroner must also be notified and his or her instructions complied with in relation to post-mortems and other relevant matters.

**Child protection aspects:** These will be particularly relevant if there are other children in the family/ in the same situation, and will therefore require immediate intervention by the Child and Family Agency Children and Family Services to assess risk.

**Bereavement aspects:** The bereavement needs of the family must be respected and provided for and all family members should be given an opportunity to grieve and say goodbye to the deceased child.

**Notification aspects:** The Child and Family Agency should notify the death of a child to the National Review Panel and to the Health Information and Quality Authority in accordance with the HIQA's Guidance for the Health Service Executive for the Review of Serious Incidents, including deaths of children in care (HIQA, 2010):

- all deaths of children in care, including natural causes;
- all deaths of children known to the child protection system;
- serious incidents involving a child in care or known to the child protection services.

Managers and staff should cooperate fully with any review undertaken to establish the facts of the case and any actions that should be taken, to identify learning that will improve services in the future and to provide assurance to the public.

### Points to remember

- **The severity of a sign does not necessarily equate with the severity of the abuse.** Severe and potentially fatal injuries are not always visible. Neglect and emotional and/or psychological abuse tend to be cumulative and effects may only be observable in the longer term. Explanations that are inconsistent with the signs should constitute a cause for concern.
- **Neglect is as potentially fatal as physical abuse.** It can cause delayed physical, psychological and emotional development, chronic ill-health and significant long-term damage. It may place children at serious risk of harm. It may also proceed, or co-exist with, other forms of abuse and must be acted upon.
- **Experiencing recurring low-level abuse may cause serious and long-term harm.** Cumulative harm refers to the effects of multiple adverse circumstances and events in a child's life. The unremitting daily impact of these circumstances on the child can be profound and exponential, and diminish a child's sense of safety and well-being.
- **Child abuse is not restricted to any socio-economic group, gender or culture.** All signs must be considered in the wider social and family context. Serious deficits in child safety and welfare transcend cultural, social and ethnic norms, and must elicit a response.
- **Challenging behaviour by a child or young person should not render them liable to abuse.** Children in certain circumstances may present management problems. This should not leave them vulnerable to harsh disciplinary measures or neglect of care.
- **Exposure to domestic violence is detrimental to children's physical, emotional and psychological well-being.** The adverse effects of domestic violence have been well established.
- **While the impact of neglect is most profound on young children, it also adversely affects adolescents.** Neglect renders young people liable to risk-taking behaviours, such as running away, early school leaving, anti-social behaviour, mental health and addiction problems, including the risk of suicide.

- **It is sometimes difficult to distinguish between indicators of child abuse and other adversities suffered by children and families.** Deprivation, stress, addiction or mental health problems should not be used as a justification for omissions of care or commissions of harm by parents/carers. The child's welfare must be the primary consideration.
- **Neglectful families may be difficult to engage.** Research shows that families may be reluctant to seek help in response to experiencing the factors associated with neglect.
- **Families where neglect and abuse are prevalent may go to considerable lengths to deceive professionals.** It is important for professionals to approach cases with a wary trustfulness, seek evidence to substantiate claims of improvement and speak with the children concerned individually.
- **Social workers need good observation and analytical skills** in order to be able to understand the nature of the relationship between a parent and child, to understand signs of non-compliance, to work alongside a family and to come to safe and evidence-based judgements about the best course of action.
- **Working in the area of child abuse and neglect is dealing with uncertainty.** Social workers and other professionals should adopt a 'respectful uncertainty' on parental reporting of improvement until supported by clear evidence.

### **Basis for reporting concerns and Standard Reporting Procedure**

#### **Purpose**

This section offers guidance to the general public and to all people, both professional and voluntary, working with or in direct contact with children who may be concerned or who suspect that children are being abused or neglected or at risk of abuse or neglect. It outlines the standard reporting procedure to be used in passing information to the statutory authorities about child protection concerns.

#### **Responsibility to report child abuse or neglect**

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. This responsibility is particularly relevant for professionals such as teachers, child care workers, health professionals and those working with adults with serious parenting difficulties. It is also an important responsibility for staff and people involved in sports clubs, community activities, youth clubs, religious/faith sector and other organisations catering for children.

The Child and Family Agency Children and Family Services should always be informed when a person **has reasonable grounds for concern** that a child may have been, is being or is at risk of being abused or neglected.

Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the Child and Family Agency Children and Family Services.

The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:

- (i) the safety and well-being of the child must take priority;
- (ii) reports should be made without delay to the Child and Family Agency Children and Family Services.

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the 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 Child and Family Agency has a statutory obligation to identify children who are not receiving adequate care and protection, to provide family support services and, where necessary, to take children into the care of the Child and Family Agency. People who report concerns need to be assured that their information will be carefully considered with any other information available, and a child protection assessment will only proceed where sufficient risk is identified.

Any professional who suspects child abuse or neglect should inform the parents/carers if a report is to be submitted to the Child and Family Agency Children and Family Services or to An Garda Síochána, unless doing so is likely to endanger the child.

The Child and Family Agency will respect the wishes of non-professionals reporting concerns in good faith who ask to remain anonymous in as much as possible, but cannot give a guarantee that the information would not be sought and given within judicial proceedings.

(The GDPR and Data Protection Acts offer protection under privacy, but should the information be sought directly within legal proceedings, there is no guarantee.)

Remember that if you are a Mandated Person as per Schedule 2 of the Children First Act, 2015 then you must report suspected child abuse to the Child and Family Agency either of your own accord or jointly with a Designated Liaison Person.

### **Designated Liaison Persons for reporting neglect or abuse**

Every organisation, both public and private, that is providing services for children or that is in regular direct contact with children must:

- (i) Identify a designated liaison person to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns.
- (ii) The designated liaison person is responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in the Child and Family Agency Children and Family Services or in the event of an emergency and the unavailability of the Child and Family Agency, to An Garda Síochána.
- (iii) The designated liaison person should ensure that they are knowledgeable about child protection and undertake any training considered necessary to keep themselves updated on new developments.

### **Standard Reporting Procedure**

Any person reporting a child abuse or neglect concern should do so without delay to the Child and Family Agency Children and Family Services. A report can be made in person, by telephone or in writing. Contact numbers for all Child and Family Agency offices nationwide available on the Child and Family Agency website ([www.tusla.ie](http://www.tusla.ie)) or through the Child and Family Agency LoCall Tel. 1850 241850.

Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with the Child and Family Agency Children and Family Services).

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Child and Family Agency intervention. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with the Child and Family Agency, you should contact the Gardaí. This may be done through any Garda station.

The Standard Report Form for reporting child welfare and protection concerns to the Child and Family Agency (see attached or to be found at [https://www.tusla.ie/uploads/content/Child\\_Protection\\_and\\_Welfare\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf)) should be used by professionals, staff and volunteers in organisations working with or in contact with children, or providing services to children when reporting child protection

and welfare concerns to the Child and Family Agency Children and Family Services. If a report is made by telephone, this form should be completed and forwarded subsequently to the Child and Family Agency.

The Child and Family Agency will follow up on all referrals, even if the Standard Report Form has not been used.

**Information to be included when making a report**

The ability of the Child and Family Agency Children and Family Services or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much as possible of the following detail should be provided:

- the name, address and age of the child (or children) for whom the report is being made;
- the name of the child's school;
- the name and contact details of the person reporting concerns;
- whether the person reporting is a professional, a person working with children or a member of the public;
- the relationship to the child of the person making the report;
- a full account of what constitutes the grounds for concern in relation to the protection and welfare of the child or children, e.g. details of the allegation, incident, dates, description of any injuries, etc.;
- the names and addresses of the parents/carers of the child or children;
- the names of other children in the household;
- the name, address and details of the person allegedly causing concern in relation to the child or children;
- the child's and/or parents/carers' own views, if known and relevant;
- the names and addresses of other personnel or agencies involved with the child or children, e.g. GP, social worker, public health nurse, Gardaí, etc.;
- any other relevant information.

**Retrospective disclosures by adults**

An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the counsellor/ health professional should report the allegation to the Child and Family Agency Children and Family Services without delay.



The Child and Family Agency 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 (see [www.hse-ncs.ie/en](http://www.hse-ncs.ie/en)). The service can be accessed either through healthcare professionals or by way of self-referral (Freephone 1800 477477).

### **Deciding to share child protection concerns**

The belief that parents/carers or other persons in charge of children would actually harm or neglect them is not easy to sustain. There may be a tendency, 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 problems are present, such as unemployment, poverty, poor housing, addiction, mental illness or isolation. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of children. However, the protection and welfare of the child must always be the paramount concern.

Reluctance to act on suspicions about child abuse or neglect can often stem from uncertainty and fear. Members of the public or professionals may be afraid of repercussions, afraid of being thought insensitive, afraid of breaking a confidence or afraid of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action. So too will confidence in the child protection and welfare services.

It is the responsibility of all agencies working with children and for the public to recognise child protection concerns and share these with the agencies responsible for assessing or investigating them, not to determine whether the child protection concerns are evidenced or not.

### **Cases not reported to the Child and Family Agency or An Garda Síochána**

In those cases where an organisation decides not to report concerns to the Child and Family Agency or An Garda Síochána, the individual employee or volunteer who raised the concern should be given a clear written statement of the reasons why the organisation is not taking such action. The employee or volunteer should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, the Child and Family Agency or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith'. The organisation must also keep a record of what incidents were not reported to the Child and Family Agency and the reasons why.

### **Confidentiality**

The effective protection of a child often depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant

information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

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 with the relevant statutory authorities.

No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff with a responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

The issue of confidentiality should be part of the training necessary for staff who work in the area of child protection and welfare and the general training of staff in organisations that work with children. Each organisation should have a written policy in this regard.

### **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 the Child and Family Agency or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report.

A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

### **Procedure for Reporting Alleged or Suspected Child Abuse**

All incidents should be reported to the Designated Liaison Person/Child Safeguarding Officer who shall help assess the situation and report to Tusla - Child and Family Agency and/or Gardaí. If you have a serious concern and cannot contact the Designated Liaison Person/Child Safeguarding Officer, you should contact Tusla - Child and Family Agency/Gardaí (having first discussed the situation in confidence with your Head of School/Unit where possible and alternatively, your line manager). Contact details are available in **Appendix E**.

## Role of Designated Liaison Person/Child Safeguarding Officer on receipt of an allegation of abuse

On receipt of an allegation or suspicion of child abuse the Child Safeguarding Officer shall:

- Notify the Dean of the Faculty of Medicine and Health Sciences or his/her nominee (student cases) / Director of Human Resources or his/her nominee (staff cases) / President or his/her nominee (other cases) of the complaint;
- Assess complaints, including retrospective disclosures, to determine if “reasonable grounds for concern” exist that child abuse may have occurred or is suspected;
- Where “reasonable grounds for concern” are established that child abuse occurred or is suspected details at **Appendix E** will immediately be reported to Tusla - Child and Family Agency and copy sent to the Gardaí. The form of report appended to Children First contained in **Appendix C** will be used. In cases of emergency, where a child appears to be at immediate risk, and a Duty Social Worker from Tusla - Child and Family Agency is unavailable the Gardaí should be contacted. Under no circumstances should a child be left in a dangerous situation pending Tusla - Child and Family Agency intervention.
  - Ensure the early involvement of the Gardaí where there may be an opportunity to secure material or forensic evidence and where such evidence is available on campus preserve it pending the involvement of the Gardaí;
  - Ensure that the parents/guardians of the child are informed by the most appropriate person, giving due regard to the implications of this action placing a child at further risk;
  - Ensure that the person is advised that an allegation of child abuse is made against him/her in the course of their duties. Prior to doing so liaise with Tusla - Child and Family Agency/Gardaí to determine the timing of advising the person against whom a complaint is made. Where they ask for a delay in informing the accused person such a request should be recorded;
  - Liaise as closely as possible with Tusla - Child and Family Agency and Gardaí in their investigations and in the progress of the case to decision and (if relevant) criminal trial, including in order to be informed of the outcome of Tusla - Child and Family Agency/Gardaí investigation;
  - Determine what feedback is to be given to the various parties i.e. the child, the parents/guardians of the child, the person who reported concerns of abuse and the person against whom the complaint is made;
  - Ensure that responsibility for dealing with the reporting issues surrounding the child and the employment and/or contractual issues surrounding a member of staff are managed independently. Liaison persons will be appointed, one to deal with the child, its parents/guardian and another to deal with the person against whom the allegation is made;

- Determine how best to provide access to appropriate support for all parties concerned;
- When not satisfied that the information received and available constitutes “reasonable grounds for concern”, seek greater clarification and information;
- Consult without delay Tusla - Child and Family Agency/Gardaí where there is a doubt or uncertainty as to the weight of the available evidence constituting “reasonable grounds for concern” but concerns remain on the appropriate steps to be taken;
- If it is decided, following consultation, that there are no grounds for the Child Safeguarding Officer to formally report the matter to Tusla - Child and Family Agency, give the person who referred the matter a written explanation outlining the reasons why no further action is being taken, indicating that if they remain concerned about the situation, they are free to consult with, or report to Tusla - Child and Family Agency /Gardaí;
- Having already notified the Director of Human Resources or his/her nominee in a case involving a member of staff or the Dean of the Faculty of Medicine and Health Sciences or his/her nominee a case involving a student, keep them updated of developments;
- Ensure the President or his/her nominee of the College is aware of the complaint and what action is proposed;
- Carry out a risk assessment to determine and assess the wider implications which may have contributed to the situation and, where appropriate, make recommendations to the President or his/her nominee of the College to prevent further occurrences.
- Take into account the provisions of all relevant College policies (including this policy) and (as relevant) the College Statutes.

As the role and function of the Designated Liaison Person/Child Safeguarding Officer develops, this procedure may evolve and be improved so as to ensure that it is practical, workable and in accordance with best practice, at all times putting the interests of the child first.

### **Outcomes of investigations**

Complaints of child abuse will give rise to investigation by Tusla - Child and Family Agency and the Gardaí to determine if a child has been abused.

The findings of Tusla - Child and Family Agency investigation can be:

- **Confirmed**; - child abuse occurred;
- **Inconclusive**; - unable to determine whether or not child abuse occurred; or
- **Confirmed non-abuse**; child abuse did not occur.

Following a Garda investigation the Director of Public Prosecutions may decide:

- To proceed with a criminal prosecution before the Courts; or
- Not to prosecute. Such a decision may indicate that the evidence would not meet the standard of proof required by a Criminal Court, but it does not necessarily imply innocence.

The outcomes of a criminal prosecution may be:

- A conviction where the accused person is found guilty and a sentence is imposed;
- An acquittal of the accused person;
- A mis-trial, with no determination of the charges;
- A nolle prosequi, where the Director of Public Prosecutions withdraws the charges before the Court, with no determination of the charges.

It is important to note that not all instances of abuse amount to criminal offences. It will be for the Gardaí to form an initial view as to whether a criminal offence has been committed and whether to additionally pursue an investigation on this basis.

#### **Outcome unclear as to whether child abuse occurred**

If the outcome of an investigation by Tusla - Child and Family Agency and/or the Gardaí is unclear as to whether child abuse did occur, the Child Safeguarding Officer will convene an appropriate professional team to assess the situation having due regard for the safety and protection of children. The team shall report to the Child Safeguarding Officer who shall inform the President or his/her nominee of their assessment.

#### **False and mistaken allegations**

It is important that when an allegation is found to be false or mistaken that all appropriate steps are taken to restore the good name of the person wrongly accused. The Child Safeguarding Officer shall liaise with appropriate colleagues (including the Dean of the Faculty of Medicine and Health Sciences or his/her nominee or the Director of Human Resources or his/her nominee and they shall decide on how the accused person is to be supported and facilitated in resuming their functions.

When the Designated Liaison Person/Child Safeguarding Officer is satisfied immediately that it would have been impossible for the person complained of to have committed the abuse, for instance, it can be clearly established that they were elsewhere at the time of the alleged complaint s/he will:

- Advise the complainant in writing of the action being taken and its outcome, including information on other avenues to pursue the matter if they remain dissatisfied;
- Advise the person against whom the complaint has been made, providing details and confirming that it is without substance and that no further action is being taken;
- Consider if the complainant has been abused by someone else and report the matter to Tusla - Child and Family Agency/Gardaí;

- Keep a comprehensive record of the incident, including the reason for no further action; and
- Consider initiating a complaint of knowingly making a false report of child abuse under the provisions of Section 5 of the Protection of Persons Reporting Child Abuse Act 1998.

### **RCSI's internal disciplinary/investigation procedure**

RCSI's internal disciplinary/investigation procedure does not impact on our duty to report any allegations of abuse to Tusla - Child and Family Agency/Gardaí as appropriate. The below procedure may take place in parallel, with or after such a report has been made.

Allegations of child abuse made against a member of staff or a student of the College will be dealt with by the College as follows:

- Where the allegation is against a member of staff the Director of Human Resources or his/her nominee will carry out or cause to be carried out an independent investigation in keeping with the principles set out in the Statutes of the College. The Director of Human Resources or his/her nominee shall consult with the Designated Liaison Person/Child Safeguarding Officer in respect of the investigation.
- Where the allegation is against a student of the College the Dean of the Faculty of Medicine and Health Sciences or his/her nominee will carry out or cause to be carried out an independent investigation in keeping with the principles of the College and the RCSI Student Code. The Dean of the Faculty of Medicine and Health Sciences or his/her nominee shall consult with the Child Safeguarding Officer in respect of the investigation.
- Where it is determined that child abuse did occur, the College shall take action in accordance with the College Statutes and all relevant College policies.
- The College shall ensure that the investigation of complaints against members of staff and students of the College are carried out in keeping with the principles of fair procedures and natural justice. Staff and student of the College may be subject to erroneous or malicious allegations, therefore, an investigation must be dealt with sensitively and with a presumption of innocence until the contrary is proved.

### **Recruitment**

In order to maintain adherence with this policy, an assessment of Staff or Volunteers who are dealing directly with children should be conducted against the below criteria to ensure all regulations are abide by in advance of the individual commencing the role:

- If the duties of the post include 'relevant work' as defined in the Section 26 Sex Offenders Act 2001.
- Whether all appropriate checks relating to criminal records, qualifications, employment history and employer references have been undertaken.
- If, having made such checks, information comes to light which reveals applicants may have a criminal record, all information from Garda vetting should be considered to assess whether there is a risk to children. If it is considered the applicant will pose a risk to children that person's application must be rejected.

- Where a post is being filled through external recruitment or internal transfer of an existing employee and the duties of the post are deemed to include 'relevant work' appropriate checks against criminal records will be carried out.
- If an existing member of staff or volunteer is to undertake responsibilities in respect of working with children, then appropriate checks of criminal records will be carried out.
- Section 26 of the Sex Offenders Act 2001 makes it an offence for a sex offender to "apply for work or to perform a service (including State work or service) which involves having unsupervised access to, or contact with children or mentally impaired people without telling the prospective employer or contractor that you are a sex offender". The terms State work or State service includes work done by civil servants, An Garda Síochána, Defence Forces, local authority and Health Service Executive (Child and Family Agency) staff. The term mentally impaired is used in the 2001 Act and is defined in Section 5 of the Criminal Law (Sexual Offences) Act 1993 as "suffering from a disorder of the mind, whether through mental handicap or mental illness, which is of such a nature or degree as to render a person incapable of living an independent life or of guarding against serious exploitation".

### **Arrangements with Partner Organisations**

Any agreement or arrangement entered into by College for the placement of Students as part of their formal education in circumstances in which the students may encounter children must be subject to the conditions that the organization providing the placement has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place and that that organization will notify the College Child Safeguarding Officer of any complaints of which the organization is aware made against a student concerning child welfare issues.

### **Contractors**

Persons undertaking 'relevant work' who are not directly employed by the College but are employed by contractors (or sub-contractors), will also undergo Garda Vetting. However, these checks will have to be carried out by their employer and the College will ensure that these obligations are reflected where possible in any contract between the College and the contractor.

Contractors without such clearance will not be permitted unsupervised access to children under any circumstances.

### **Children as Research Subjects**

Research involving children must be approved by the College's research ethics process prior to the commencement of the work. General information on research ethics applications can be obtained from the College's Research Ethics Committee. When working with children, the researcher must comply with this policy and Guidance RCSI's Code of Good Practice in Research.

### **Sporting Activities**

In addition to this Policy and related Procedures, specific considerations will apply to sporting activities conducted on College premises or directed by College Members. The Irish Sports Council has produced a detailed document entitled 'Code of Ethics and Good Practice for Children's Sport' which will be applied as appropriate within the College.

### **Photographs and Images**

Where photographs, film or video of children and/or vulnerable young persons is required for legitimate purposes such as for teaching purposes, for research or sports coaching, the following precautions should be adhered to in order to minimise the potential dangers of posting pictures online.

As with all publications online they maintain a digital footprint which could potentially carry dangers such as the distortion of images to depict abusive and criminal acts. Furthermore, sharing images online can also provide unauthorised personnel geolocation information in relation to a child and/or vulnerable young persons.

All College Members have a duty of care to children and/or vulnerable young persons. If a College member has any awareness of any misconduct in regards to online publications they should immediately report any concerns to the Child Safeguarding Officer.

In all such circumstances where children and/or vulnerable young person's images are required explicit consent must be acquired from both the parents/guardians/carers and the child to whom the image is being used.<sup>2</sup> RCSI's Parental Consent Form is available in **Appendix 2**.

On occasions where a photographer is required and acting on behalf of RCSI, he/she should not be permitted unsupervised access to children and/or vulnerable young persons.

In regards to retention any hard copies images/videos of children and/or vulnerable young person's should be kept in a locked drawer and electronic images should be stored on encrypted portable equipment (e.g. laptops, memory sticks, and mobile phones) or password protected in a folder with restricted access. College Members should take precaution to avoid using any personal equipment to take photos and/or recordings of children and/or vulnerable young persons.

### **Safety and welfare of children**

Everybody operating on behalf of the College must be alert to the possibility of child abuse and of their obligation to convey any concerns to the Designated Liaison Person/Child Safeguarding Officer.

Some practical guidelines in particular, when working with children, staff should:

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<sup>2</sup> General Data Protection Regulation 2016/679 [2018]



- Take all reasonable steps to protect individuals from harm or abuse;
  - Take appropriate action if you become aware of anyone physically, emotionally or sexually abusing a child;
  - Report an incident or suspicion of abuse to the Safeguarding Officer or Assistant Safeguarding Officer;
  - Be accessible for the child to talk to;
  - Be friendly and approachable.
- In receiving an allegation or disclosure, staff should:
- Take all disclosures of alleged abuse seriously;
  - Listen carefully and sensitively, stay calm and ensure a clear understanding of the allegation;
  - Reassure the child that they are right to talk to you;
  - Ask questions for clarification only;
  - Record factually what has been disclosed;
  - Explain what will happen next;
  - Advise that you must pass the information to the appropriate authorities;
  - Report incident to the Designated or Assistant Designated Officer at the earliest opportunity. A telephone call in the first instance should be followed up with a written report of the allegation on or attached to the Incident Report Form.
  - Treat all information gathered in these circumstances with the utmost confidentiality.
- Staff should not:
- Give a commitment to the child that the disclosure will be kept secret.
  - Express any personal opinion about the alleged abuse or alleged incident.
  - In cases where physical abuse is suspected, remove any clothing from the child.
  - Ask any leading questions i.e. a question to which the answer is yes or no.

Behaviours which should be avoided:

- Spending excessive amounts of time alone with a child away from others.
  - Taking a child to his/her own home.
  - Taking a child alone on a car journey. If the journey is unavoidable or necessary, it should be with the full knowledge and consent of the parents (or guardians) and the consent of the relevant manager. An appropriate record of the journey should also be maintained.
  - Holding meetings with individual children should be avoided or only take place within sight of others. If privacy is required, the door to the room should remain open and other staff should be aware of the meeting.
  - Making unnecessary physical contact with could be misinterpreted.
  - Being overly familiar.
- Some of the above situations may be unavoidable but should only take place with the full knowledge and consent of the relevant manager and the child's parent or guardian.

Staff must never:

- Abuse, neglect, harm or place a risk a child whether by omission or commission;
  - Engage in rough physical games, including horseplay, other than structured sports activities;
  - Engage in any inappropriate touching of any form;
  - Engage in sexually provocative behaviour or games;
  - Make sexually suggestive comments to or about a child;
  - Show a child anything that might be construed as abusive images;
  - Trivialise or exaggerate abuse issues;
  - Do things of a personal or intimate nature for a child that they can do themselves;
  - Carry out any physical punishment, slap or hit a child;
  - Cause distress by shouting at a child or by calling him/her derogatory names;
  - Hold a child in a way that causes pain or shaking them;
  - Drink or purchase alcohol or take drugs while children are in your professional care;
  - Accept/make loans or gifts of money to/from a child;
  - Photograph/video children, even by mobile phone, without appropriate consent of the parent or guardian;
  - Take any photographs/videos that are inappropriate.
- Staff must report any inappropriate use of images of children in the work environment.
- Staff must also report any inappropriate or dangerous behaviour on the internet that involves children in the work environment.

### First Aid

First Aid should only be administered by a qualified First Aid Officer. In administering First Aid the officer should be accompanied by another member of staff.

Where the injury is serious and/or where there is no First Aid Officer available, the staff member should call the emergency services.

All action taken in relation to dealing with an injured child should be reported to the Designated Officer.

### Record Keeping

#### *Storing records*

Records relating to allegations raised in response to this policy will be held only by the Designated Officers.

#### *Records will be held confidentially and securely*

In the first instance, access to the records will be restricted to Safeguarding Officer/Assistant Safeguarding Officer and where appropriate statutory agencies.

Where disciplinary procedures are initiated following a complaint being upheld, relevant records may be made available to the Disciplinary Panel.

Records held by the Designated Officer will include:

- Allegations of abuse;
- Incident Report Forms; referrals to statutory agencies;
- Outcomes and reports from statutory agencies;
- Reports of incidents of disruptive or challenging behaviour;
- Reports arising from incidents concerning lost or injured children.

### **Garda vetting**

Garda vetting is part of RCSI's recruitment process for certain posts and education programmes, particularly in the areas of medicine, health, social work and education, which require staff and students to undertake activities that will bring them into unsupervised contact with children or vulnerable adults and in which they will assume positions of trust. The Garda vetting policy for staff can be found at <http://staff.rcsi.ie/wp-content/uploads/2018/11/RCSI-Garda-vetting-procedure-Final-including-Forms.pdf>

The College's Garda vetting policy for students can be found at;  
[http://www.rcsi.ie/files/admissions/docs/20150819044407\\_Statement%20on%20Garda%20Vetting%20\(Po\).pdf](http://www.rcsi.ie/files/admissions/docs/20150819044407_Statement%20on%20Garda%20Vetting%20(Po).pdf)

Review of Employee and Student statuses is conducted in accordance with the RCSI Garda Vetting policy.

### **Policy Review**

The Child Safeguarding Policy will be reviewed at least once every two years by the Child Safeguarding Officer and the Dean of the Faculty of Medicine and Health Sciences or his/her nominee and a report thereon will be made to the Student Services Committee.

The College reserves the right to update this policy, including taking into account changes to legislation, Tusla - Child and Family Agency/Child and Family Agency guidelines and recommendations and other legal and/or policy developments. This policy should be interpreted in light of the Children First Act 2015.

## Appendix A- Legislation

- Article 42A of Bunreacht na hÉireann
- Child Care Act, 1991
- Children Act, 2001
- Children First Act, 2015
- Commission to Inquire into Child Abuse Act, 2000
- Criminal Justice Act, 2006
- Domestic Violence Act, 1996
- Non-Fatal Offences Against the Person Act, 1997
- Protections for Persons Reporting Child Abuse Act, 1998
- Sex Offenders Act, 2001
- United Nations Convention on the Rights, 1992

**Appendix B - Parental consent form**



**Child and/or Vulnerable Young Person’s photo/video consent form**

We would be grateful if you would fill in this form to give us permission to take photos of your child and use these in our printed and online publicity.

I give RCSI permission to take photographs and / or video of my child. I grant full rights to RCSI use the images resulting from the photography/video filming, and any reproductions or adaptations of the images for fundraising, publicity or other purposes to help achieve the College’s aims. This might include (but is not limited to), the right to use them in their printed and online publicity, social media, press releases and funding applications.

I hereby understand that this authorization/consent can only be revoked by my sending written notification to Child Safeguarding Officer, RCSI Centre for Mastery: Personal, Professional & Academic Success, Royal College of Surgeons in Ireland, 123 St. Stephen's Green, Dublin 2 or email [swo@rcsi.ie](mailto:swo@rcsi.ie)

I certify/acknowledge by signing this document that I have received, read and understood all of the above information.

Parent / Guardian Declaration of Consent	
Name of child	
Name of parent/guardian	
Signature of parent/guardian	
Date	

In accordance with your acceptance of this request please return this form to the **Child Safeguarding Officer, RCSI Centre for Mastery: Personal, Professional & Academic Success,**

Royal College of Surgeons in Ireland, 123 St. Stephen's Green, Dublin 2 or email to [sw@rcsi.ie](mailto:sw@rcsi.ie)

### ***Appendix C- Tusla - Child and Family Agency***

#### **When should I report a concern about a child to Tusla?**

You should always inform Tusla when you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

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

#### ***Appendix D- Tusla - Child and Family Agency - Child Protection and Welfare Report Form***

[https://www.tusla.ie/uploads/content/Child Protection and Welfare Report Form FINAL .pdf](https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf)

Appendix E- Key Contact List

Title	Telephone	Email
<b>Student Welfare Officer</b>	01 402 2504	<a href="mailto:swo@rcsi.ie">swo@rcsi.ie</a>
<b>Health &amp; Safety Office</b>	01 402 2107	<a href="mailto:safety@rcsi.ie">safety@rcsi.ie</a>
<b>Human Resources</b>	01 402 2339	<a href="mailto:hrqueries@rcsi.ie">hrqueries@rcsi.ie</a>
<b>Security (St. Stephen's Green)</b>	01 402 2219	<a href="mailto:Security@rcsi.ie">Security@rcsi.ie</a>
<b>Security/Estates (Beaumont)</b>	01 809 3700	<a href="mailto:estate@rcsi.ie">estate@rcsi.ie</a>
<b>Security (No. 26)</b>	01 402 2220	<a href="mailto:Security26@rcsi.ie">Security26@rcsi.ie</a>
<b>Security (Sandyford)</b>	01 402 2220	<a href="mailto:sandyfordsecurity@rcsi.ie">sandyfordsecurity@rcsi.ie</a>
<b>Tusla - Ireland's Child &amp; Family Agency</b>	01 771 8500	
<b>Child and Family Agency, Dublin South East, Vergemount Hall, Clonskeagh,</b>	01 268 0320	
<b>Child and Family Agency out of hours service for Dublin</b>	01 675 5992 Or 01 897 6828	
<b>Garda Station</b>	112 or 999	
<b>Children's Ombudsman</b>	1800 202040/ 01 865 6800	