

# Policy and Procedures for the Protection and Safeguarding of Children

## September 2023

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## **Introduction**

This policy document, with associated procedures and appendices, aims to support Bord Iascaigh Mhara (BIM) in creating and maintaining as safe an environment as possible for children and young people who attend or have contact with BIM services. In creating and maintaining this safe environment BIM will implement specific safeguarding children measures and supports to staff, that will promote the protection and welfare of children/young people in attending BIM services and/or using our facilities.

BIM recognises that implementation of this policy and procedures is a continuous process and that the best interests of children and young people attending or in contact with our services are to be paramount.

The guiding principles to be followed by BIM are as set out in the child safeguarding statement (September 2023) (Appendix 1).

It will be the responsibility of BIM to ensure these principles are followed to safeguard, as far as practicable, children/young people who are attending or have contact with BIM services.

The child safeguarding statement includes a child safeguarding risk assessment as required by the Children First Act. The primary response to mitigating the child safeguarding risks included in that assessment will be provided by the full implementation of this policy and associated procedures.

**Actions that will assist the implementation and maintenance of the safeguarding children principles and minimise, as far as practicable, any harm to children are:**

- That BIM staff respond without undue delay to protection and welfare concerns in respect of children/young persons and follow the guidance contained within BIM Policy and Procedures for the Protection and Safeguarding of Children 2020.
- That BIM staff report child protection or welfare concerns/suspensions to the Designated Liaison Person or the Deputy Designated Liaison Person and follow Children First compliant procedures.
- That BIM ensures that mandated staff, if identified, fulfil their responsibilities under the Children First Act 2015. It is recognised that as of September 2023 none of the current BIM staff are deemed to be mandated persons.
- That BIM ensures that appropriate management, recruitment and supervision of staff, students under 18 years and other students is in place and is subject to internal review (Appendix 2 work experience students).
- That BIM ensures, as far as is practically possible, that a child/young person will not be required to have unsupervised one-to-one contact with any member of staff, client, or contractor of BIM.

- That on occasion it may be necessary for one-to-one contact, for example a child/young person may wish to discuss a confidential matter. In these situations, the protocol around one-to-one contact will be followed (Appendix 3).
- That BIM has drafted and is implementing a safeguarding child training plan for all staff and a role specific training plan for the safeguarding children post holders.
- That BIM ensures that when it is collaborating with another body in respect of a children's event there will be prior agreement on which body's reporting procedures are to be followed in cases of incidents or suspected child protection or welfare concerns. This includes, in particular, any outreach work carried out by BIM staff in the community.
- That BIM ensures compliance with the BIM Data Protection policy in respect of the retention, by the Designated Liaison Person (DLP), of confidential, personal and sensitive data regarding children and their parents/carers who are subject to protection and/or welfare concerns. Such sensitive personal information must only be shared on a "need to know" basis.
- Ensuring, when practicable, that parents/carers are informed of any issues of concern regarding their children.
- Ensuring groups bringing children on organised visits to BIM facilities confirm they will have appropriate consents and supervision ratios in place, i.e. the number of responsible adults to children plus written consent/permission from a parent/legal guardian.
- BIM will ensure that their policies and procedures will be inclusive of children and young people with disabilities. A child who has a disability has the same rights as any other child.
- Ensuring that all appropriate organisations and the general public are aware of BIM Policy and Procedures for the Protection and Safeguarding of Children 2020.
- Ensuring that this Policy and Procedures for the Protection and Safeguarding of Children is available on the BIM public website.
- Ensuring that there will be prompt reporting and recording of any incidents and/or accidents involving children as per BIM incident and accidents guidance. This element is outside of the BIM Child Safeguarding Policy and procedures and is managed internally within BIM's National Fisheries Colleges in Castletownbere and Greencastle.
- Encouraging children to report any bullying concerns and staff being aware of the Dignity at Work policy and procedures.
- Ensuring a Protected Disclosures ("Whistle Blowing") policy is in place which reflects the needs of children.
- Ensuring that photographing or recording visual images of children or permitting such actions will only take place with the written consent of the parent/guardian.
- Not displaying images of children without the written consent of the parent/ guardian. This will apply in particular to the BIM website or any social media links.
- Ensuring that safe recruitment practices, including relevant Garda vetting, are implemented in respect of all relevant BIM staff and other relevant adults, for example, regular external tutors.

- Any observed possible breach of BIM's code of behaviour, related to children/young persons by staff, which is observed by a colleague, will be reported without delay to the relevant line manager for an appropriate response.
- BIM will be responsible for ensuring a review of the Policy and Procedures for the Protection and Safeguarding of Children (2020) occurs at a minimum of bi-annually or as soon as possible if there has been a material change in any national policy, legislation, or procedural issues.

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*NOTE: Working definitions and roles in respect of BIM Policy and Procedures for the Protection and Safeguarding of Children 2020 are referenced in Appendix 4*

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## Legal Context

There are various Acts, national guidance, standards, and codes of practice which are integral to the creation and maintenance of a safe environment for children and young people. They also provide guidance when it proves necessary for the state to intervene when a child's welfare and/or protection needs may have been compromised. The following are the relevant examples of the legislation and guidance:

- Child Care Act 1991
- Children Act 2001
- Child and Family Agency Act 2013
- Children First Act 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016
- Safeguarding Guidance for Organisations. Tusla 2015
- Criminal Justice Act (Withholding of information on Offences against Children and Vulnerable Persons) Act 2012
- Criminal Justice Acts 2006-2013
- Occupiers Liability Act 1995
- The General Data Protection Regulation (GDPR) and Data Protection Acts 1988-2018
- Freedom of Information Acts 1997-2014
- Local Government Act 2014
- Protected Disclosures Act 2014

- Equality Act 2004
- Protection for Persons Reporting Child Abuse Act 1998
- Criminal Law (Sexual Offences) Act 2017

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*NOTE: Full text of the above acts is available on [www.irishstatutebook.ie](http://www.irishstatutebook.ie) and of the Children First guidance on [www.tusla.ie](http://www.tusla.ie)*

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## Relevant Services Provided by BIM

Schedule 1 of the Children First Act 2015 provides a list of 'work or activities' that constitute a 'relevant service' (Appendix 5). For the most part, BIM does not provide full time services directly to exclusive groups of children/young people (like other specialist agencies).

Services are however provided directly to children under the BIM Education Programme where persons under 18 years of age may be enrolled in one of the further education training courses provided through our fishery colleges.

Marine Notice No 42 of 2019, dated 15.11.19, has also confirmed that 14 years is the minimum age that a young person may perform light work on a fishing vessel during school holidays. This has had implications for the fishery colleges in terms of the provision of safety training before these children/young people go to sea. It is now policy that any students under 16 years of age must be accompanied by a responsible adult when attending BIM training courses.

The minimum age to work as an employee on a fishing vessel remains at 16 years. Fishers aged 16 or 17 years may perform on board duties provided they are no longer subject to compulsory schooling, they have completed a basic pre-sea training course, their mental and physical wellbeing is fully protected, and they have received adequate instruction. A fisher who is aged 16 or 17 years of age may be permitted to work at night if the work forms part of the established training programme.

In addition, on occasion, BIM may employ staff who are under 18 years of age. It is recognised that the employment of staff does not fall within the definition of the provision of relevant services as set out in Schedule I of the Children First Act 2015. In the case of staff aged under 18 years BIM is committed to applying best practice in relation to safeguarding children / young persons. On that basis the Policy and Procedures for the Protection and Safeguarding of Children will apply to these staff as they apply to other students and learners under 18 years.

BIM also facilitates transition year students for courses in the NFCE. The transition year programme may be formal or informal and the duration of such placements can vary. The nature of work experience placement or training means that these children/young people may come into contact with a range of people including staff, adult learners, public representatives, members of the public, suppliers, contractors, clients, etc.

## Obligations for BIM under the Children First Act 2015 in relation to Relevant Services

### BIM Services

- Children/young persons (under 18 years) enrolled in education/training programmes. BIM is fully committed to ensuring that children/young persons (learners and students under 18 years of age) are protected and kept as safe as practicable when attending BIM education and training courses, as per the Children First Act 2015.
- Practical Learning Periods on Host Outdoors or Units. Practical learning periods as part of work practice/work experience are mandatory components of QQI validated Level 5 and 6 further education programmes provided by BIM.

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*NOTE: It is practice within BIM that all young people attending training in the fishery colleges or coastal training units under the age of 16 years will require a signed permission /consent letter from a parent/guardian plus the attendance of a responsible adult throughout the training.*

*If training is linked through a school the teacher/s will be the responsible adult/s and will secure the permission / consent. In situations where transition year pupils under 16 years do not have a teacher in attendance as a responsible adult, such a person has to be nominated to attend the programme with the young person by the student's family.*

*Those students who are 16 years up to their 18th birthday who attend BIM courses must supply a permission/consent letter from a parent/guardian and proof of identification.*

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- Children attending BIM public events. BIM is committed to ensuring that any person under 18 years of age who attends a BIM public event is protected and kept as safe as practicable, and therefore BIM Policy and Procedures for the Protection and Safeguarding of Children extends to these specific public events.

## Code of Behaviour for staff, in relation to children/young people

This code of behaviour outlines the conduct BIM expects from all staff in their contact with children/young people. The code applies to all BIM staff, adult students and anyone who is undertaking specific duties for BIM, whether paid or unpaid.

The code of behaviour aims, as far as practicable, to assist BIM in protecting children and young people from abuse or harm. Within BIM services under 18s may be on training courses, in temporary clerical positions, in work placements such as Transition Year students or have contact with staff by visiting facilities or through community outreach programmes.

The named person will ensure that everyone involved in the delivery of BIM services has seen this code, understood, and agreed to follow the code of behaviour. All such persons will sign a declaration that they have read these procedures, associated appendices, and the child safeguarding statement. In signing this declaration, they will also agree to abide fully with the contents of the documents.

Staff will also be made aware of the possible disciplinary and/or criminal consequences of breaching this code of behaviour.

This code of behaviour applies to all staff who have to interact on a regular and planned basis with children in the performance of their duties and/or may have unplanned contact with children during their work activities.

The code sets out the following guidance for staff when in contact with children/young people during work related activities:

- That the child's welfare and safety is paramount
- That all children/young people should be treated fairly and without prejudice or discrimination
- To listen to and respect children views
- To provide encouragement, support, and praise to children
- To use appropriate language with children. If language used may have caused offence to a child, this should be addressed with them in a sensitive manner.
- To encourage a positive atmosphere in any engagement with children
- To treat all children as individuals
- To respect a child's personal space
- To be aware of a child's limitations
- To use age-appropriate teaching/learning and communication aids when required
- To lead by positive example when interacting with children and young people
- To work towards creating an atmosphere of trust with children
- To respect and be aware of differences in gender, sexual orientation, culture, race, ethnicity, disability and religious belief systems between yourself and others
- If personal information is known in respect of a child, this will be kept confidential and will only be shared on a need-to-know basis.



Staff should not do the following in respect of their engagement with children/young people:

- Allow allegations or concerns in respect of possible abuse or harm to children to go unreported or to unduly delay reporting. Reporting includes abusive behaviour being displayed by an adult or child and directed at a child.
- Smoke, consume alcohol or use illegal substances when interacting with children during working hours.
- Spend excessive amounts of time alone with children during working hours.
- Take children, involved with BIM services, on journeys alone in a vehicle without the consent of the parent/guardian, excepting in an emergency.
- Be in a one-to-one situation with a child. However, if a child needs to talk separately to an adult this should be done in an open environment in view of others whilst respecting the child's privacy (Appendix 3).
- Use or allow offensive or sexually inappropriate physical contact and/or such verbal language with children.
- Single out a particular child they have contact with through their work environment for unfair favouritism, criticism or ridicule.
- Hit or physically chastise children.
- Socialise inappropriately with children e.g. outside or after the BIM activities they may have been engaged with.
- If physical contact is an inherent part of an activity to not seek consent of the child/young person in relation to physical contact (excepting an emergency or high-risk situation).
- To be involved in horseplay or inappropriate touching of children.
- Reveal personal information about children where you are not concerned about possible protection or welfare concerns which may require contact with Tusla and/or An Garda Síochana.

Staff must also ensure that the following actions are also taken to safeguard children:

- If a child is left at a BIM facility after closing time the senior manager on site is to immediately contact the parent/guardian. If no parent/guardian responds or can be contacted, An Garda Síochana are to be informed.
- Within the BIM facilities if requested to direct a child to the toilet, staff should not accompany the child into the toilet, in the event that a responsible adult is not available.
- In a difficult situation involving a child, try and ensure another member of staff is present.
- Do not accompany a child outside of a BIM site in search of a parent. Keep them safe until a parent or carer returns.
- Contact An Garda Síochana if you have cause to believe that a child has been abandoned/forgotten or may be at possible risk of harm.
- Do not make arrangements to directly contact a child related to work-based activities either by phone or through electronic or social media.
- Do not carry out tasks of a personal nature for a child that the child could do for him/herself.
- Ensure that clear guidance exists for children and their primary carers to be able to communicate with and access staff if they have a complaint.

## Code of behaviour for children and young people

This code of behaviour aims to ensure that children /young people who interact with BIM staff and services are aware of what is expected of them and feel safe, respected, and valued. The code of behaviour aims to:

- Identify acceptable and unacceptable behaviour.
- Encourage cooperation, fairness, honesty, and respect.
- Encourage children/ young people to recognise and respect the rights of others.
- Encourage children/ young people to take responsibility for their own behaviour.
- To assist with conflict resolution and to give clarity as to the outcome if this code is not followed.

The code of behaviour sets out the following guidance for children/ young people attending BIM services or accessing their facilities/events in terms of:

- Cooperating with others.
- Listening to others.
- Treating everyone with respect.
- Taking responsibility for their own behaviour.
- Talking to a trusted adult about anything that they may be worried or concerned about.
- Following this code of behaviour and other guidance, including the law.
- Children and young people should not:
  - Be disrespectful to others.
  - Bully others whether online or offline.
  - Behave in an intimidating manner to others.
  - Be abusive to anyone either verbally or physically.

If children and young people do not follow this code of behaviour the following will apply:

- If a child or young person acts inappropriately while accessing BIM services, they will be asked to comply with the code of behaviour.
- If this behaviour continues after the first reminder or if it escalates the incident will be recorded and the parent/guardian/other will be informed.

- If the behaviour is repeated on further occasion/s access to BIM services may be restricted. Again, the incident will be recorded and the parent/guardian/other will be informed.
- When dealing with a disruptive child/young person it is recommended that where possible more than one staff member is present.

## Engaging with a child/young person exhibiting disruptive behaviour – guidance for staff

It is important to deal with such situations calmly and quietly and to avoid putting yourself or others in danger. When dealing with a disruptive child/young person it is recommended that where possible more than one staff member should be present. In extreme cases where staff have concerns about their own safety or the safety of a child/young person, it may be necessary to call An Garda Síochana.

Positive behaviour is always expected from children/young people while attending BIM services or their facilities. If a young person continues to behave in an unacceptable manner, they will be asked to leave the BIM service immediately, where appropriate and safe to do so. This will have regard to the age of the child and level of understanding.

The child's/young person's parents/guardians/others will be phoned (where contact details are available) and a letter will be sent to the child's parents or guardian/other outlining the incident and confirming why the child was asked to leave the facility or event.

An Garda Síochana should be notified to deal with disruptive children/young people who refuse to leave the service or BIM facility and continue to be disruptive. All instances of disruptive behaviour that require the intervention of a staff member and which put at risk the safety and well-being of others, must be documented.

### The report of a disruptive incident shall describe:

- What happened?
- Who was involved?
- Where and when it happened?
- What was said, if significant?
- The duration of the incident
- Any injury to person or property
- How the situation was resolved.

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*NOTE: An Incident Report Form must be completed (Appendix 10)*

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The following behaviour will not be accepted from adults or persons under 18 years attending BIM services or accessing their facilities/events:

- Behaviour which is disruptive and interferes with safe use by others.
- Harassment of staff or others by use of abusive, racist, obscene, or threatening language.
- Use of violence or threat of violence toward staff and/or others.
- Malicious damage to and/or theft of BIM property.
- The use of alcohol and illicit drugs while using BIM facilities or attending a BIM service/event.
- Smoking, except in designated areas.
- Personal property being left unattended while attending a BIM service or facility.

## Managing child abuse or welfare concerns

If a staff member becomes concerned that a child/young person's behaviour suggests that there may be child protection or welfare concerns they will follow BIM Policy and Procedures for the Protection and Safeguarding of Children 2020.

In summary this will involve initially contacting the Designated Liaison Person (DLP) of BIM or the Deputy DLP (DDLDP) who may then need to inform or consult with Tusla, Child and Family Agency. In this situation best practice would support the parents/guardians/others being informed, unless to do so could possibly put the child further at risk or if it could interfere with a possible investigation by An Garda Síochana or it is the considered opinion that it could place the person making the report at potential risk from the family. BIM has in place a Designated Liaison Person and Deputy Designated Liaison Persons for Children First.

The primary functions of the Designated Liaison Person are:

- To receive and consider, in consultation with the person making the report, child protection and welfare concerns and to consider if reasonable grounds for concern exist to report to Tusla.
- To ensure that reporting procedures are followed within BIM and such child protection and welfare concerns are referred promptly to Tusla.
- To ensure that all such concerns and the subsequent actions taken by BIM are recorded. This includes recording those concerns where it is decided reasonable grounds for concern do not exist and the DLP does not make a report to Tusla.
- To ensure that a secure system is in place to manage and store confidential records of concerns of a child welfare or protection nature.
- To be available for advice and guidance when someone is unsure about reporting a concern.

- Where necessary to carry out informal consultation with the Tusla duty social work service in respect of a concern. Such a consultation will be on an anonymised basis in respect of the actual concern and persons involved.
- To ensure that a working relationship is established with An Garda Síochana and Tusla in respect of liaison arrangements for child protection and welfare concerns.
- To develop procedures for liaison between the Designated Liaison Person, Deputy Designated Liaison Persons, and the mandated persons, in relation to child protection and welfare concerns. This is with particular regard to concerns that come to the notice of mandated persons.
- Where requested to jointly report with a mandated person.
- To inform, with the person making the report, the child's parents/guardians/others that a report is to be submitted to Tusla or An Garda Síochana unless:
  - Informing the parent/guardian is likely to endanger the child or young person.
  - Informing the parents/guardians may place the reporter at risk of harm from the family.
  - The family's knowledge of the report could impair Tusla's ability to carry out an assessment or interfere with a Garda investigation.
  - To provide feedback to the reporter, as appropriate.

The necessary elements of BIM managing a concern in respect of a child welfare or protection concern are:

1. Recognising a concern
2. Responding to a concern
3. Reporting a concern
4. Recording a concern

## 1. Recognising a concern

Child abuse is categorised as four main types:

- Neglect
- Emotional abuse/ill treatment
- Physical abuse
- Sexual abuse

**Neglect** is where a child is deprived of adequate food, warmth, clothing, hygiene, supervision, safety, or medical care. The threshold of harm for neglect is reached when a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

**Ill treatment** is defined as to abandon or cruelly treat a child, or to cause or procure or allow a child to be abandoned or cruelly treated. Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a care giver and a child. The threshold of harm for emotional abuse is reached when a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

**Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. This may occur as a single incident or as a pattern of incidents. The threshold of harm for physical abuse is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography. The threshold of harm for sexual abuse is any concern where reasonable grounds for concern exist that a child has been, is being, or is at risk of being sexually abused. In this context the concern must be reported to Tusla under the Children First Act 2015.

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*NOTE: In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a report may be made to Tusla and/or An Garda Síochána. That abuse may not always be due to personal contact with a child or young person. Abuse may also occur through use of social media or the use of information and communication technology. (Appendix 6 references, in detail, recognising child protection and welfare concerns)*

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## 2. Responding to a concern

- The responsibility to safeguard children and to report child welfare or protection concerns, without undue delay, is shared by all BIM staff.
- Tusla must be informed if a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

- Unless it is an emergency it is BIM policy that such reports will not be made without a consultation with a DLP.
- If a report is made by a mandated person, it is BIM policy that the DLP should be informed of the action.

Children First national guidance 2017 lists the following as reasonable grounds for concern:

- Evidence, for example of 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 a child being abused.

Responding to a child/young person who discloses abuse:

In responding to a disclosure of abuse by a child/young person the following guidance should be followed by BIM staff:

- Remain as calm as possible.
- Listen to the child and give them time to share their concerns.
- Try not to show any feelings such as anger or disbelief.
- Accept the child/young person's story. Staff should note that false disclosures by children are rare.
- Reassure the child that they have taken the right step in disclosing their concerns.
- Try to avoid asking leading questions.
- Advise the child that you cannot guarantee to keep confidentiality as you may need to share information with Tusla and/or An Garda Síochana.
- Keep a record of the conversation and record the actual words used by the child.
- Reflect back to the child what you think you have heard, and, in the words, they used to you.
- Do not make any comments about the alleged abuser.
- Do not make any attempt to confront the alleged abuser.
- Ensure the child is aware of what may need to happen next in terms of the process.

- Inform the DLP immediately with a view to appropriate notifications to the statutory authorities.

### Responding to an adult who discloses childhood abuse

In responding to a disclosure of childhood abuse by an adult the following guidance should be followed by BIM staff:

- Establish whether there is any current risk to children from the alleged abuser. For example, is this person still alive and do they have contact with children.
- Advise that you cannot guarantee to keep confidentiality as you may need to share information with Tusla and/or An Garda Síochana.
- Reports of retrospective child abuse are to be assessed by Tusla.
- Inform the DLP immediately with a view to appropriate notifications to the statutory authorities.

### Responding to a person who admits abusing a child

In responding to a person who admits abusing a child the following guidance should be followed:

- Advise the person that this information cannot be kept confidential.
- Inform the DLP immediately with a view to appropriate notifications to the statutory authorities.

### Responding to allegations of child abuse made against a child by another child

In responding to an allegation of child abuse made against a child by another child the following guidance should be followed:

- This type of abuse may be called “peer abuse”.
- Inform the DLP immediately with a view to considering the need for appropriate notifications to the statutory authorities.
- If reports are to be made, they should be made in respect of each child /young person.

### Responding to allegations of abuse of a child/young person made against staff

The following issues should be taken into consideration when responding to allegations made against staff:

- The concern may relate to possible harm to a child/young person.



- The concern may relate to a possible criminal offence.
- An adult's behaviour may suggest that the person may pose a risk of harm to a child/young person.
- The adult's behaviour may be a breach of the code of behaviour for adults in respect of children.
- The behaviour may be contrary to professional practice guidelines.

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*NOTE: In such cases the reporting system to Tusla is to be followed with the DLP and the internal HR procedures will also be initiated. The DLP is to ensure that the CEO or the delegated person and the HR service is advised of such concerns.*

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Responses by BIM to abuse allegations made in respect of a staff member will include:

- The priority in BIM responses will be to protect the child/young person while at the same time taking account of the staff member's right to due process. The fact that protective measures may have been taken does not presume guilt.
- The DLP will be informed of the allegation, if not previously known.
- The DLP will inform the BIM CEO or the delegated person and the HR department of the allegation.
- The DLP will follow the agreed procedures for reporting child protection and welfare concerns.
- In making an immediate decision about the staff member's presence in the work environment the CEO/delegated person will as a matter of urgency take any measures necessary to protect the child/young person. Such measures should be proportionate to the level of risk to the child/young person and do not presume any finding of guilt.
- Any action by BIM will be guided by the agreed internal procedures i.e. Grievance and Disciplinary procedures, the applicable contract of employment and the rules of natural justice, where appropriate.
- The support contact person (please note BIM's EAP provider will be available for support services) and the DLP will inform the staff member, privately, that an allegation has been made against him/her and the nature of the allegation. The staff member will be given an opportunity to respond to the allegation both verbally and in writing. The timing of such a meeting and the level of information sharing will be dependent on the status of any possible criminal investigation by An Garda Síochana or assessment by Tusla in particular.
- BIM will ensure that any actions or investigations by them do not compromise or prejudice any statutory investigation by An Garda Síochana or assessment by Tusla.
- The CEO /delegated person should note the response of the staff member to the allegations and pass on this information to Tusla via the DLP if making a formal report to that statutory body.
- Formal inter agency meetings will be requested by BIM with Tusla and An Garda Síochana to ensure effective liaison takes place in respect of the allegation and the necessary follow up actions. The BIM DLP will be the liaison person with the statutory agencies.

- The requirements of fair procedure and natural justice will result in Tusla not sharing the details of any assessment against a staff member until he/she has had an opportunity to respond fully to the allegation and any findings or decisions by Tusla.
- All elements of the process will be recorded including any liaison with the statutory agencies, Tusla and An Garda Síochána.

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*NOTE: In terms of good governance, the same staff member in BIM should not have the responsibility for dealing with the child protection reporting procedure and the HR employment/contractual issues.*

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Responding to a person who is dissatisfied with how their allegation was dealt with by BIM.

BIM has a complaints policy in place, which is available on the BIM website for children and parents to access. Any review of a complaint in terms of how a child welfare or protection allegation was processed must involve the BIM DLP, excepting if that person or one of the deputies is the subject of the complaint. This policy may also be accessed by persons who wish to make complaints in respect of children/young people that may not be of a child protection or welfare nature. Examples of such complaints may include breaches of the codes of behaviour which are deemed not to be child protection or welfare concerns.

If necessary, the DLP will consult with HR and/or Tusla, if it is deemed necessary, during the management of such a complaint.

The following steps will be taken by the BIM in responding and reporting child protection and welfare concerns:

#### Step 1

- On receipt of a concern a staff member will immediately report the details to the BIM DLP.
- This information should be relayed to the DLP using the Tusla Child Protection and Welfare Report Form. (Appendix 7).
- If there is an immediate risk to a child, the safety and welfare of the child is paramount. The DLP in that situation may after consultation with the initial reporter make an immediate report to An Garda Síochána if Tusla are unavailable.

## Step 2

- The DLP will consult with the person who raised the concern with a view to deciding if reasonable grounds for concern exist to report. Informal consultation can take place between the DLP and Tusla duty social work service. Such consultation will not involve the sharing of identifiable personal information. This can be with a view to assisting the DLP in terms of deciding whether reasonable grounds for concern exist to report to Tusla. The consultation must be recorded.

## Step 3

- If reasonable grounds for concern exist the DLP will report the concern to Tusla, without undue delay, using the appropriate reporting form (CPWRF Appendix 7).

## Step 4

- If the DLP is of the view that a report should not be made to Tusla then the staff member must be given a written explanation for this decision. In this situation the staff member can still make their own report to Tusla or An Garda Síochana if they are of the view that reasonable grounds for concern do exist. Staff members have protections from the Protection of Persons Reporting Child Abuse Act 1998 in making such an independent report “in good faith.”

## Step 5

- A confidential file will be created and held securely by the DLP in respect of any child welfare or protection concern/suspicion that comes to the attention of BIM. This will be a record of all actions taken and all relevant correspondence issued and received by BIM in respect of the concern.

## Step 6

- Concerns that do not initially meet reasonable grounds for concern may upon review show patterns or trends which may raise the level of concern to the extent that the DLP may decide that reasonable grounds for concern do now exist and that Tusla should receive a report.

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*NOTE: Concerns in respect of unidentifiable children, of a welfare or protection nature, should be reported to Tusla. It is BIM's policy that all reports of child protection and welfare concerns must be made via the DLP, using the Standard Report Form. There is no legal obligation to inform the DLP of the concern, however it is BIM's policy to do so as to ensure all procedures are followed consistently.*

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## False abuse allegations

In working with or having contact with children/young people, staff members on some occasions may be subject to false allegations of abuse. These may prove to be due to a misunderstanding of what took place or a genuine mistake.

It is therefore regarded as good practice that any allegation of abuse against a staff member is dealt with sensitively. In addition, BIM should ensure that support is available for both the alleged respondent (EAP service) and for the child/young person who reported the alleged abuse.

Throughout the process of responding to an allegation appropriate levels of confidentiality will also be maintained, in the interests of both the child/young person and the staff member against whom the allegation has been made.

## Protected Disclosures (“Whistleblowing”)

BIM staff have guidance available in respect of protected disclosures. This document provides guidance for staff in respect of the internal and external reporting of wrongdoing and the legal protections of reporting under the Protected Disclosures Act 2014.

In the context of safeguarding children, it remains the responsibility of the individual staff member to bring matters of concern forward to the appropriate person within the BIM structures. Such action may prevent a child/young person from remaining in a situation where there is a risk of abuse or harm.

## 3. Reporting child welfare and protection concerns

### Anonymous reports:

Designated Liaison Persons when making a report to Tusla or An Garda Síochána must comply with the requirements of this policy and procedures thereby they are not to report anonymously. The same principle is applied to any staff member who makes the initial report to the DLP. Under the Freedom of Information Acts anonymity should never be promised as it cannot be guaranteed.

It is also not possible for mandated persons to submit a report of a mandated concern anonymously as to do so would not discharge the statutory obligations for a mandated person as set out in the Children First Act 2015.

### Malicious reports:

Malicious reports have the potential to cause harm to the named child/young person and the person/s identified as the alleged abuser/s. The Protection of Persons Reporting Child Abuse Act 1998 has introduced an offence of false reporting of child abuse where a person makes a referral of child abuse to the appropriate authorities “knowing that statement to be false.

In the event that any staff member is concerned that a report is malicious they should bring it to the notice of the DLP.

### Reporting concerns in an emergency or where there is an immediate risk of harm or abuse to a child

In an emergency where the considered opinion is that there is an immediate risk to a child/young person's health or welfare and the Designated Liaison Person or one of their Deputies or Tusla cannot be contacted, a report should be made directly to An Garda Síochana. Following such an action the standard report (CPWRF) should be forwarded to the Designated Liaison Person with a view to submission to Tusla as per normal procedures on the next working day.

The information to be provided to An Garda Síochana by the person making such an emergency report is as follows:

- Child/young person's name, address, and age.
- The names and addresses of parents / guardians /others.
- Name/s, if known, of who is allegedly harming the child or not caring for him/her appropriately.
- A detailed account of the grounds for concern (e.g., details of the allegation/s, dates of incidents, location/s of incident/s, description of any injuries or possible bruising).
- Names of other children/young people in the household.
- Name of the school or college the child/young person attend.
- The name of the person making the report, contact details and relationship, if any, to the child.

### Talking to parents/guardians/others about a concern

The Children First Act 2015 does not place a legal responsibility on the person making the report to advise a family that such a report has been made under the legislation to Tusla. However, it is the view of BIM that it is good practice for staff to do so and where possible the person making the report and/or the Designated Liaison Person should tell the family that a report is being made to Tusla and the reasons for doing so.

It is not necessary to inform the family that a report is being made if by so doing the child may be placed at further risk or where the family's knowledge of the report being made could impair Tusla's assessment process. In addition, the family may not be informed if it is the reasonable opinion of the person making the report that they may be at risk of harm from the family if the family were advised of the reporting to Tusla.

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*NOTE: If the parents/guardians/others are to be met to be informed about the fact that a concern has been reported the following guidance should be considered:*

- *Make sure, as far as practicable, that parents/guardians/others have prior knowledge and awareness of BIM guiding principles, procedures, and duties to safeguard children and young people.*
- *When contact is made clearly explain the nature of the concern by using factual information and contemporaneous records of observations made.*
- *Consider who is best placed to have this conversation with parents. For example, the person making the initial report and the DLP.*
- *Take an approach which is positive and state that everyone is working towards what is in the best interests of the child/young person.*
- *Ensure that the approach to the parents/guardians/others is supportive but also ensure the concern is made clear to all involved in the discussion.*

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## Reporting mandated concerns of harm to a child/young person

Mandated persons are persons who have ongoing contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children and young people from harm. Professionals who may not work directly with children, such as those who work in adult counselling or psychiatry, are also mandated persons. The Children First Act 2015 contains a list of mandated persons. The full list is available in Appendix 8 of this document.

Under the Children First Act mandated persons are required to report any concern that meets or exceeds the threshold for reporting harm to a child under the legislation. If reporting is to be made independent of the Designated Liaison Person, the mandated person it is BIM policy that the mandated person should inform the DLP that a report has been made.

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Liaison Person on their behalf. The Children First Act 2015 requires that BIM maintains a list of mandated persons on the staff. Staff who are mandated persons under this Act should be made aware of their responsibilities at the start of their employment with BIM.

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*NOTE: As stated earlier in this document as at May 2023 BIM would be of the view that none of their staff currently would be mandated persons.*

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## Legal obligations of a mandated person

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

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

## Mandated reporting

Mandated persons are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. They are also required, if requested, to help Tusla in assessing a concern which has been the subject of a mandated report.

The Children First Act 2015 defines harm as:

- “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
- 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”.

Section 14(1) of the Children First Act 2015 states:

“where a mandated person knows, believes or has reasonable grounds to suspect , on the basis of information he or she has received , acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child –

- has been harmed
- is being harmed, or
- is at risk of being harmed

he or she shall, as soon as practicable, report that knowledge, belief, or suspicion, as the case may be, to the Agency. “(Tusla)

Section 14 (2) of the Children act 2015 also places legal obligations on mandated persons to report any disclosures made by a child,

“Where a child believes that he or she –

- has been harmed
- is being harmed, or
- is at risk of being harmed

and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a person, the mandated person shall, as soon as practicable, report that disclosure to the Agency.” (Tusla)

The threshold of harm for mandated persons reporting for each of the four main types of child abuse is as follows:

### Neglect

- Neglect is defined as ‘to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.’
- The threshold of harm at which a mandated person must report to Tusla under the ChildrenFirst Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child’s needs have been neglected, are being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.



## Emotional Abuse/ill treatment

Ill-treatment is defined as ‘to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.’ Emotional abuse is covered in the definition of ill – treatment in Part 1 section 2 of the Children First Act 2015.

The threshold of harm at which a mandated person must report to Tusla under the Children First Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

## Physical Abuse

- Physical abuse is covered by the references to assault in the Children First Act 2015.
- The threshold of harm at which a mandated person must report to Tusla under the Children First Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

## Sexual Abuse

- Sexual abuse to be reported under the Children First Act 2015 (as amended by Section 55 of the Criminal Law (Sexual Offences) Act 2017) is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.
- If the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then the mandated person must report this to Tusla under the Children First Act 2015.

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*NOTE: As all sexual abuse falls within the category of seriously affecting a child’s health, welfare or development, the mandated person must submit all concerns about sexual abuse as a mandated report to Tusla. The one exception to this is in respect of certain consensual sexual activity. The exemptions in respect of reporting underage consensual sexual activity are set out in detail under Section 14(3) of the Children First Act 2015.*

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#### Consequences of non-reporting by the mandated person:

- The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are possible consequences for a failure to report. If after an investigation by Tusla it emerges that the mandated person did not make a mandated report and a child was subsequently left at risk and harmed, Tusla may:
  - Make a complaint to the Fitness to Practice Committee of a regulatory body of which the mandated person is a member.
  - Pass information about the mandated person's failure to make a report to the National Vetting Bureau of An Garda Síochana. This information can therefore be disclosed to the mandated person's current employer or a future employer when that person is next vetted.

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*NOTE: BIM may consider a failure to report a child protection concern as a disciplinary matter for a staff member. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochana. Failure to report under this Act is a criminal offence. This obligation is in addition to any obligations placed on mandated persons under the Children First Act 2015.*

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## 4. Recording a concern

### Mandated Assisting

As noted previously, the Children First Act 2015 places a statutory requirement on mandated persons to assist Tusla in the assessment of risk of mandated reports, when requested to do so. Such assistance should be as deemed necessary and proportionate, with a view to assisting Tusla in assessing the risk to a child/young person arising from the mandated report. A mandated person must comply with this request from Tusla, regardless of who made the mandated report.

Mandated assistance may include, for example, a request to provide further information or attend a meeting in relation to a mandated report. Information may be shared by Tusla with the mandatory reporter in order to enable their assistance. This information cannot be shared by the mandatory reporter with any third parties, and such disclosure is subject to criminal sanction.

## Information sharing

The General Data Protection Regulation (GDPR) and Data Protection Acts 1988-2018 does not prevent the sharing of information with the appropriate authorities on a reasonable and proportionate basis for the purposes of child protection under article 6(d) where processing is necessary for the vital interests of the data subject. Tusla has the authority to share information concerning a child who is undergoing a risk assessment with a mandated person who has been asked to provide assistance. In doing so, Tusla must only share with the mandated person what is necessary and proportionate in the circumstances of each individual case.

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*NOTE: Section 17 of the Children First Act 2015 makes it an offence if a mandated person discloses information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given the mandated person written permission to do so. Failure to comply with this section may make the mandated person liable to a fine or imprisonment for up to six months or both. This offence can also be applied to the mandated person's employer.*

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## Protection from civil liability:

If a mandated person is required to share information with Tusla when assisting in the assessment of risk to a child, the mandated person is protected from civil liability.

## Section 16 (3) of the Children First Act 2015 states:

- 'If a mandated person furnishes any information (including a report) document or thing to the Agency (Tusla) pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.'

## Confidentiality & Data Protection

BIM is committed to protecting a person's right to confidentiality. However, considerations in respect of confidentiality will not overrule a child/young person's right to be protected. It is not a breach of data protection or confidentiality to provide information to the appropriate authorities with the intention of protecting a child. On that basis BIM undertakes:

- When child protection and welfare concerns arise, to share personal information on a 'need to know' basis, in the best interests of the child/young person, with the relevant statutory authorities and the parents/guardians/others. Such sharing may require attendance at statutory child protection or welfare meetings organised by Tusla eg. child protection conferences or strategy meetings.

- That staff will not give undertakings regarding keeping information in respect of a child safeguarding concern secret and also will not share any concerns with colleagues who are not in designated roles. Those staff members engaged with or in contact with children/young people should make this clear to parents/ guardians/others and the children/young people themselves on initial engagement.
- To provide information on a proportionate basis to the statutory agencies necessary for the protection of a child.
- To advise children/ young people and parents/guardians/others that personal information is being shared. Unless it is the considered opinion that doing so could put the child/young person at further risk or may place the reporter at risk.
- To retain records generated in respect of child protection and welfare concerns in accordance with Data Protection legislation, in a secure setting with restricted access, managed by the DLP to respond to breaches by staff members in respect of the sharing of confidential information which is not related to child protection or welfare concerns which may be regarded as a disciplinary matter.

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*NOTE: The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability and from possible disciplinary action by an employer to persons who report child protection concerns “reasonably and in good faith “to the authorised persons in Tusla or An Garda Síochana.*

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## Organised visits of children/young people to BIM facilities and events

Bodies, for example schools, bringing organised groups of children / young people to BIM facilities or events need to ensure the following measures are in place:

- That they have a Children First compliant Policy and Procedures for the Protection and Safeguarding of Children.
- That a safeguarding children risk assessment has been completed in respect of the activity.
- That the staff and/or responsible adults are appropriately trained, qualified and where appropriate Garda vetting is in place.
- That they have appropriate and gender balanced supervision in place.
- That they have appropriate ratios of responsible adults to children to maintain safe supervision levels (see below).
- That appropriate insurance is in place.
- That the parents/guardians /others have been informed in writing and briefed in respect of the details of the visit and given written permission/consent for the child / young person to participate.

- BIM will also ensure that their relevant staff who have regular contact with such activities will be Garda vetted, will have completed the Tusla Children First e-learning and the internal Children First training.

### Supervision of children

BIM requires that organised groups of children/young people visiting BIM facilities or attending BIM events should apply the following adult to child ratios:

- 0 to 1 years - 1 adult to 3 children
- 1 to 2 years - 1 adult to 5 children
- 2 to 3 years - 1 adult to 6 children
- 3 to 6 years - 1 adult to 8 children
- 7 to 12 years – 1 adult to 8 children
- 13 to 18 years -1 adult to 10 children

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*NOTE: It should be recognised that the above ratios are based as a minimum standard. (Reference NSPCC.com)*

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Taking into account the following factors the number of responsible adults required may increase:

- Whether the children/young people have special needs or medical requirements.
- The range of ages of the children/young people.
- The nature of the activity.
- The duration of the activity.

### Children with special needs or disabilities

Safeguarding standards for children/young people with special needs or disabilities are essentially the same as for all children. They have the same rights to be protected from abuse however there are certain factors that can increase their risk of being abused or harmed, these include the following:

- Due to their disability some children may be socially isolated and have fewer outside contacts.
- They may have a reduced capacity to recognise, resist or avoid abuse.
- They can be particularly vulnerable to bullying and intimidation.
- They may have communication difficulties which may make it problematic for them to tell staff that something is happening to them of an abusive nature.
- Staff may have a possible reluctance to accept that children with disabilities can be abused.

- Confusing signs and symptoms of abuse with what may be regarded as behaviour linked with a child's disability and not related to abuse.
- Organising activities for children with disabilities BIM recognises that higher adult/child ratios may be required to supervise the activity.
- If a child has specific intimate care needs, they should be assessed prior to involvement in an activity and an agreed intimate care protocol should be put in place by the relevant body.

## Recruitment and selection of staff members

BIM is committed to the recruitment of staff members through the application of safe recruitment procedures. Safe recruitment requires that BIM will:

- Ensure that all reasonable steps are taken to ensure that all relevant applicants who may pose a risk to children are identified and that an appropriate HR response is initiated prior to any appointment.
- Ensure that persons involved in the recruitment of staff are trained appropriately and have the experience to undertake this role.
- Ensure that BIM's recruitment procedures are transparent, comply with best practice standards and also comply with the principles of natural justice, data protection compliant record keeping and human resource management.
- Ensure that the recruitment procedures of BIM are inclusive and treat all applicants as having equal status.

### The following procedures will apply to the recruitment of staff:

- A declaration form will be completed in the recruitment process (for relevant roles) relating to there being no reason why a person would be considered unsuitable to work with or near children.
- The Children First Act 2015 and employment legislation provide the statutory reasons for Garda vetting of certain staff. The Garda vetting of potentially relevant staff will be sought in accordance with, specifically, the National Vetting Bureau Acts 2012 to 2016 (as amended). The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. Garda vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of that person having access to or contact with children or vulnerable adults. The required information will be processed under the Garda Vetting procedures.
- In terms of the above legislation, it is noted that BIM is considered by the National Vetting Bureau to be a non-act organisation. Therefore, there is not a legal basis for BIM to conduct Garda vetting. However, in terms of good safeguarding children practice BIM proposes that the following staff and/or other adults will require Garda vetting:

- All Fisheries Colleges' staff and external tutors.
- Any staff who may be assigned to a specific child centred activity.
- All administrative staff administering the TY scheme.
- The DLP, Deputy DLPs and the named and relevant persons under Children First.
- BIM sub contractor's staff who provide services to BIM and may have some contact with children/young people.

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*NOTE: The above listed groups will be re-vetted every 3 years. A staff member cannot begin work with children/young people until a vetting disclosure has been received from the National Vetting Bureau and it has been assessed.*

*In terms of other persons providing a relevant service at or for BIM by a third-party organisation, that body is responsible for the Garda vetting of those personnel. If the contractor is not associated with a body registered with the National Vetting Bureau Garda vetting will not be possible. BIM will not allow their engagement with children only relevant activities. Such persons may however provide activities to groups where the presence of children is incidental to the presence of people in general.*

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A successful applicant will be offered employment, post interview, subject to:

- Appropriate Suitable references (minimum of two references).
- Signing relevant employment application form and contract of employment.
- Where applicable, proof of qualifications.
- Appropriate relevant Garda vetting, where applicable.
- Positive proof of identification.
- The relevant HR application, including reference requests will be completed by the applicant. This will include a declaration relating to any previous criminal records.

## Safeguarding children training plan for BIM

BIM are committed to the following actions in respect of training staff in respect of safeguarding children/young persons:

- That all post holders within the safeguarding children structure will receive Children First training commensurate with their roles.

- That the BIM policy and procedures for the protection and safeguarding of children plus the child safeguarding statement will be available on the BIM website to facilitate access by all staff, learners, students on work experience and the general public.
- That all staff will be facilitated to access the Tusla Children First E learning module.

## Safeguarding children communications plan for BIM

BIM is committed to the following actions to ensure that staff and the public are aware of their commitment to safeguarding children/young persons:

- The child safeguarding statement and the policy and procedures for the protection and safeguarding of children 2020 will be placed on the BIM website.
- All BIM buildings and facilities will display a child safeguarding notice which notes in particular the contact details for the Designated Liaison Persons and the website link for the child safeguarding statement.
- All relevant agencies, including statutory bodies, will be given details in respect of the internet links for accessing the child safeguarding statement and the related policy and procedures.
- Feedback systems will be developed with children, parents/guardians/others, staff, learners and work experience students to advise the BIM as to whether the safeguarding children communication process is working.

## Online safety and social media

Information technology is now an integral part of the lives of most children/young persons. However, if this technology is used inappropriately, it can present possible child safeguarding risks. These risks may lead to abuse concerns both online and offline. The following are key actions that BIM will implement in maintaining a safe environment for children when online and when using social media:

- Ensure there are online safety policies and procedures in place as part of creating a safe environment for children/young persons.
- Staff are to be aware of the signs of online abuse and harm Staff will respond to any concerns immediately and follow the BIM procedures for reporting child protection or welfare concerns.
- Ensure that in any staff member's work-based communication with a child/young person, personal accounts should never be used as a form of communication. Any such communication must have secured parental/guardian/others consent in advance.
- A BIM mobile phone or tablet must be used if a work-related communication with a child/young person is necessary.
- Any such communication with a child/young person should include a reference for them to unsubscribe to any further communications.
- Ensure that parental controls are on all devices that children/young people may access.



- Ensure that if children/young people are provided with access to live streaming this can only be done in an open area which can be supervised by staff and with the prior consent of a parent/guardian/other.

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*NOTE: The digital age of consent in Ireland is 16 years. For those children/young people under 16 years who wish to use any online service or platform which collects and/or processes their personal information, parental permission/consent is required. For more information reference The General Data Protection Regulation (GDPR) and Data Protection Acts 1988-2018.*

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### Photography or videos of children/young persons

The following guidelines are to be followed by BIM staff in respect of photography and/or videoing of children during work related activities:

- BIM will ensure that before any photos or videos are taken of children, consent forms must be signed by a parent/guardian and presented to BIM by the adult who is responsible for the group. (Appendix 9).
- If this is not possible, photos cannot be taken and used. The person that takes the photo needs to send the signed consent form along with the photos to BIM. If the child in question is of secondary level age or older the child's own consent should also be recorded in a consent form signed by them.
- Any person taking photographs or videos at BIM events must be authorised in advance to do so and must comply with BIM's relevant policies relating to such activities.
- It should be understood by parents that when bringing children to BIM public events that group photos/videos will be taken and it is unavoidable when taking large group shots to exclude children. It is BIM policy that where group photos/videos are taken they will only be published where children are largely unrecognisable (unless consent is obtained, see points above).
- In cases where BIM personnel or others working on its behalf are taking photos/videos at non-BIM events, and the footage is to be used for promotional purposes, the points of permission and consent above also apply.
- Photographs of children/young people involved in BIM activities will not be taken by staff, using their own cameras, except with consent for specified official reasons.
- The names of children/young people whose photographs are used for promotional activity will not be made public.
- For school events, it is recommended that event organisers discuss with the school in advance and arrange to have photos taken with a small number of students, ensuring that parental consent is received.
- For public events, BIM will assign a member of staff to accompany the photographer to obtain signed permission/consent forms. These must accompany the photos sent to Public Relations.

- Inappropriate use of children/young people's images by staff members will be reported to the DLP and may be considered a breach of the code of behaviour.

## Health and Safety

In terms of Health and Safety, staff should ensure that:

- Supervision of children / young persons is provided where required.
- Steps are taken to manage dangerous materials.
- They are aware of and follow accident and incident procedures.
- They follow the provisions of the general health and safety guidance for activities involving children.
- They adhere to BIM general Health and Safety policies and guidance.
- If the child is attending a BIM training programme or is on work experience staff must ensure the child/young person has completed the Health and Safety Induction.
- Obligations under the Employment Equality Acts (1998 – 2011) and Equal Status Acts (2000 – 2012) must be taken into consideration. In providing services BIM staff shall not discriminate against any child on the basis of the nine grounds detailed in the Acts.
- Obligations under the Disability Act 2005 shall also be taken into consideration.
- BIM must ensure there is compliance with the requirements of the relevant fire certificates and any recommendations or requirements of the fire authority and the relevant BIM facility's insurers.
- BIM must ensure that there is awareness of first aid arrangements at all their facilities and/or events.
- BIM must ensure there is an awareness of the emergency evacuation procedures relevant to their facilities and ensure that children/young people are also aware of what to do if there is an emergency.

## Personnel Contact Details

Details of personnel to contact if a concern exists in respect of the protection and welfare of a child

### BIM Internal Contact Information

Name	Role of Responsibility	Contact Number	Location
Claire McDonald	Designated Liaison Person and BIM Head of HR	01-2144212	BIM Head Office Dun Laoghaire, Co. Dublin
Joanne O'Grady	Deputy Designated Person and BIM HR Officer	01-2144211	BIM Head Office Dun Laoghaire, Co. Dublin

### BIM National Fisheries Collage (NFC) Contact Information

Name	Role of Responsibility	Contact Number	Location
Shane Begley	Deputy Designated Person and College Principal	027-71230	BIM NFC Castletownbere, Co. Cork
Garvan Meehan	Deputy Designated Person and College Principal	074-9381068	BIM NFC Greencastle, Co. Donegal

### External Contact Information

Organisation Name	Contact Number	Location
An Garda Síochana	01-2770002	Castletownbere
An Garda Síochana	01-749167100	Donegal (Letterkenny)
An Garda Síochana	01-6665000	Dun Laoghaire
Tusla	021-4923493	Cork
Tusla	074-9123672	Donegal
Tusla	01-9213400	Dublin

## Appendices: