



MTU

Ollscoil Teicneolaíochta na Mumhan
Munster Technological University

Child Protection Policy and Code of Behaviour for Working with Children and Vulnerable Persons

2nd December 2021

Version: 1.0

www.mtu.ie/policies

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1. Purpose

Munster Technological University ('the University') works with children and/or vulnerable persons from time to time in a number of areas across a range of activities. The University is committed to creating a safe and healthy environment for the children and vulnerable persons with whom it works and is committed to ensuring their safety and welfare at all times.

The University recognises the need to have a child and vulnerable persons protection policy to help achieve its aims in this regard and to manage risks in this area. Accordingly, it produced this Policy based on "*Children First – National Guidelines for the Protection and Welfare of Children*" and "*Our Duty to Care – The Principles of Good Practice for the Protection of Children and Young People*".

This version of the Policy has been updated to take account of the 2017 edition of *Children First* as well as requirements under the Children First Act 2015. This Act places specific obligations on organisations which provide services to children and young people, including the requirement to:

- Keep children safe from harm;
- Carry out a risk assessment to identify whether a child or young person could be harmed while receiving your services;
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage risks – this Policy, which includes a risk assessment at Appendix A and B is intended to be that document for the University;
- Appoint relevant persons to be the first point of contact in respect of the organisation's Child Safeguarding Statement. The University's Designated Liaison Persons as listed in Section 4 of this Policy are its relevant persons in this regard.

2. Scope & Risk Assessment

This Policy applies to all staff members of the University or any other person who works with children and/or vulnerable persons at the University, including contractors (hereafter referred to collectively as "staff") and students. Everyone to whom this Policy applies must familiarise themselves with it.

Certain parts of the University operate from buildings that are open to the public. The University does not supervise its students other than during official class times. Accordingly, there are limits to the extent that the University can control who enters the building and can come into contact with children and/or vulnerable persons.

As required under the Children First Act 2015, the University has carried out a risk assessment to examine its services from a child safeguarding perspective to establish whether there are any practices or features that have the potential to put children at risk. Details of this assessment are attached at Appendices A and B and will be considered when implementing this Policy.

3. Definitions

Term/Acronym	Definition
Child (based on Child Care Act 1991, as amended)	A person under the age of 18 years who is enrolled on a course of study at the University or otherwise in attendance on its premises in connection with the activities of the University, excluding a person who is or has been married.
Designated Liaison Person (DLP)	<p>The designated liaison person is responsible for ensuring that reporting procedures within the University are followed, so that child welfare and protection concerns are referred promptly to Tusla.</p> <p>This person will be the resource person for any staff member or volunteer who has child protection concerns and will liaise with outside agencies. The designated liaison person must be knowledgeable about child protection and will be provided with any training considered necessary to fulfil this role.</p>
Deputy Designated Liaison Person (DDLDP)	Deputy Designated Liaison Person will assume responsibility when the designated liaison person is not available or on leave.
Mandated Person	Key professionals defined under The Children First Act 2015 Act as “Mandated Persons” required to report concerns to Tusla. Mandated Persons must also assist Tusla, on request, in its assessment of child protection concerns. (See Appendix C for list).
Vulnerable Persons (taken from the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, as amended).	<p>A person, other than a child, who:</p> <p>(a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,</p>

	<p>(b) has an intellectual disability,</p> <p>(c) is suffering from a physical impairment, whether as a result of injury, illness or age, or</p> <p>(d) has a physical disability,</p> <p>which is of such a nature or degree—</p> <p>(i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or</p> <p>(ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.</p>
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4. Roles and Responsibilities

4.1 Designated Liaison Person

Position	Location	Contact
Human Resources Manager	Bishopstown Campus	(0)21 4326403
Head of School	Cork School of Music	(0)21 4807314
Vice President for Corporate Affairs	Kerry Campus	(0)66 7144130

4.2 Deputy Designated Liaison Person

Position	Location	Contact
Senior Staff Officer Human Resources	Bishopstown Campus	(0)21 433 5368
Head of Musicianship and Academic Studies	Cork School of Music	(0)21 4807320
Registrar	Kerry Campus	(0)66 7145619

5. Policy

5.1 Duty to Report Suspected or Actual Abuse

Society has a duty of care towards children, and vulnerable persons and everyone must be alert to the possibility that children and/or vulnerable persons with whom they are in contact could be being abused. Any person who suspects that a child/vulnerable person is being abused or is at risk of abuse has a duty to report their concerns.

The Protection for Persons Reporting Child Abuse Act 1998 provides significant protections for persons who report child abuse. Please see section 5.5 below for more information on this point.

Under the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and they have information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. Not every concern will necessarily be an offence under this Act but in the event that there could be, the reporting process outlined under section 5.5 can provide an opportunity to report matters as required under the Act.

The Children First Act 2015 is an important addition to the child welfare and protection system as it is designed to help ensure that child protection concerns are brought to the attention of Tusla without delay. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals (See 5.4 below).

5.2 Defining and Identifying Child/Vulnerable Persons Abuse

Abuse can be categorised into four categories, namely:

- a) Neglect;
- b) Emotional abuse;
- c) Physical abuse; and,
- d) Sexual abuse.

5.2.1 Neglect

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

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

A reasonable concern for the child/vulnerable person’s welfare would exist when neglect becomes typical of the relationship between the child/vulnerable person and the parent or carer. This can become apparent where a child/vulnerable person is seen over a period of time, or the effects of neglect can be obvious based on having seen the child/vulnerable person once.

The following are features of neglect:

- a) Children/vulnerable persons being left alone without adequate care and supervision;
- b) Malnourishment, lacking food, unsuitable food, or erratic feeding;
- c) Non-organic failure to thrive, i.e., a child/vulnerable person not gaining weight due not only to malnutrition but also emotional deprivation;
- d) Failure to provide adequate care for the child/vulnerable person’s medical and developmental needs, including intellectual stimulation;
- e) Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture;
- f) Lack of adequate clothing;
- g) Inattention to basic hygiene;
- h) Lack of protection and exposure to danger, including moral danger, or lack of

- supervision appropriate to the child/vulnerable person's age;
- i) Persistent failure to attend school;
- j) Abandonment or desertion.

The Children First Act 2015 defines “neglect” as “to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.”

5.2.2 Emotional Abuse

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

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

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

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

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

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

5.2.3 Physical Abuse

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

Physical abuse can include the following:

- a) Physical punishment;
- b) Beating, slapping, hitting, or kicking;
- c) Pushing, shaking, or throwing;
- d) Pinching, biting, choking, or hair-pulling;
- e) Use of excessive force in handling;
- f) Deliberate poisoning;
- g) Suffocation;
- h) Fabricated/induced illness; and,
- i) Female genital mutilation.

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

5.2.4 Sexual Abuse

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

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

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

Examples of sexual abuse include the following:

- a) Any sexual act intentionally performed in the presence of a child/vulnerable person;
- b) An invitation to sexual touching or intentional touching or molesting of a child/vulnerable person's body whether by a person or object for the purpose of sexual arousal or gratification;
- c) Masturbation in the presence of a child/vulnerable person or the involvement of a child/vulnerable person in an act of masturbation;
- d) Sexual intercourse with a child/vulnerable person, whether oral, vaginal, or anal;
- e) Sexual exploitation of a child/vulnerable person, which includes:
- f) Inviting, inducing, or coercing a child/vulnerable person to engage in prostitution or the production of child/vulnerable person pornography, for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means;
- g) Inviting, coercing or inducing a child/vulnerable person to participate in, or to observe, any sexual, indecent or obscene act;
- h) Showing sexually explicit material to children/vulnerable person, which is often a feature of the 'grooming' process by perpetrators of abuse;
- i) Exposing a child/vulnerable person to inappropriate or abusive material through information and communication technology;
- j) Consensual sexual activity involving an adult and an underage person.

Please Note: The definition of sexual abuse presented above is not a legal definition and is not intended to be a description of the criminal offences relating to sexual assault.

5.3 Recognising Abuse/Neglect & Reasonable Ground for Concern

The ability to recognise abuse can depend as much on a person/vulnerable person's willingness to accept the possibility of its existence as it does on their knowledge and information.

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

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children/vulnerable persons and parents/carers or between children/vulnerable persons and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children/vulnerable persons who are being abused could hint that they are being harmed and sometimes make direct disclosures.

A person who has reasonable grounds for concern that a child/vulnerable person could have been abused, or is being abused, or is at risk of abuse must report their concerns in accordance with Section 5.5 of this Policy.

The following examples would constitute reasonable grounds for concern:

- a) Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way;
- b) Any concern about possible sexual abuse;
- c) Consistent signs that a child/vulnerable person is suffering from emotional or physical neglect;
- d) A child/vulnerable person saying or indicating by other means that they have been abused;
- e) Admission or indication by an adult or a child/vulnerable person of an alleged abuse they committed; and/or,
- f) An account from a person who saw the child/vulnerable person being abused.

Some children/vulnerable persons can be more vulnerable to abuse than others. Also, there can be particular times or circumstances when a child/vulnerable person could be more vulnerable to abuse in their lives. In particular, children/vulnerable persons with disabilities, children/vulnerable persons with communication difficulties, children/vulnerable persons in

care or living away from home, or children/vulnerable persons with a parent or parents with problems in their own lives can be more susceptible to harm.

While in most cases concerns for the welfare or safety of a child/vulnerable person develop from the observers own observation or knowledge of the child/vulnerable person or their family, sometimes concerns arise about whether an adult poses a risk to children/vulnerable person, even if there is no specific child/vulnerable person named in relation to the concern. For example, based on known or suspected past behaviour, a concern could exist about the risk an individual could pose to children/vulnerable person with whom they may have contact. Any such reasonable concerns must be reported.

5.4 The Designated Liaison Person & ‘Mandated Persons’

5.4.1 Designated Liaison Person

A Designated Liaison Person (“DLP”) at the University is a designated liaison/relevant person for the purposes of *Children First* with responsibility for ensuring that this Policy is promoted and implemented within a given area of the University. Deputy Designated Liaison Person will take over the responsibilities of a DLP if that person is unavailable for a significant amount of time.

DLPs are nominated by the President of the University. The role of the DLP involves the following duties:

- a) To be familiar with this Policy, the principles of good practice for the protection of children/vulnerable person and to have responsibility for the implementation and monitoring of this Policy;
- b) To receive reports of alleged/suspected or actual child/vulnerable person abuse and act on these in accordance with this Policy;
- c) To build a working relationship with the Child and Family Agency, Tusla, An Garda Síochána and other agencies, as appropriate;
- d) To ensure that systems are in place for recording and retaining all relevant documentation in relation to child/vulnerable person protection issues.

A list of current DLPs and Deputies is set out in Section 4 of this Policy. The University will also arrange for adequate notices to be erected to display the identity and contact details of its DLPs and Deputy DLPs.

5.4.2 Mandated Persons

The Children First Act 2015 introduced (with effect from 11 December 2017) new mandatory requirements on certain key professionals to report child protection concerns to Tusla. The 2015 Act does not impose requirements on such professionals in relation to vulnerable persons.

These key professionals are defined under that Act as “*Mandated Persons*”. A full list of these persons is **attached** at Appendix C. Mandated Persons must also assist Tusla, on request, in its assessment of child protection concerns.

The obligations on Mandated Persons arise where they “*knows, believes or has reasonable grounds to suspect, on the basis of information that 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.*”

The University has considered the definition in the context of its ‘staff’ (which includes on site contractors as per earlier definition) and has identified the following positions as falling under the statutory definition of a ‘Mandated Person’:

- a) Doctors and nurses in the University’s Medical Centre;
- b) Student Counsellors;
- c) The University Chaplains;
- d) Paramedic members of the University Emergency Response Team (Cork Campus);
- e) Nurse Lecturers (Kerry Campus); and,
- f) Physiotherapist Lecturer (Kerry Campus).

The University will maintain a register of Mandated Persons on its staff through its Human Resources Office. If a person believes that their role should also be included on this register, they should contact Human Resources Office.

Mandated Persons are required under the legislation to report to Tusla any knowledge, belief or reasonable suspicion arising from the work as such a mandated person that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect, or sexual abuse, and covers single and multiple instances.

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

If a Mandated Person is providing counselling, it is recommended by Tusla to let clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, it must be passed on to Tusla.

Tusla has set out in the latest (2017) version of *Children First* the threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns, as follows:

- a) Neglect: where reasonable grounds exist to suspect that a child's needs have been neglected, are being neglected, or are at risk of 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.**
- b) Emotional Abuse: where reasonable ground exists 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.**
- c) Physical Abuse: where reasonable ground exists 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.**
- d) Sexual Abuse: If a 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 this must be reported this to Tusla under the Children First Act 2015. Sexual abuse to be reported under the Children First Act 2015 is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015. As all sexual abuse falls within the category of **seriously affecting a child's, health, welfare or development**, all concerns about sexual abuse must be reported as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, under section 14(3) of the Children First Act 2015. All of the following criteria must be met for this exception to apply:
 - The young person(s) concerned are between 15 and 17 years old;
 - The age difference between them is not more than 24 months;
 - There is no material difference in their maturity or capacity to consent;
 - The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person;
 - The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla.

If a Mandated Person receives a disclosure of harm from a child, which is above the thresholds set out above, a mandated report of the concern must be made to Tusla. **The Mandated Person is not required to judge the truth of the claims or the credibility of the child.** If the concern does not meet the threshold to be reported as a mandated concern, it must still be reported to Tusla as a reasonable concern under 'Children First'.

5.4.3 Mandated Persons and the University

It is important to note that 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 University's DLPs on their behalf. While Mandated Persons have statutory

obligations to report mandated concerns, they can make a report jointly with another person, whether the other person is a mandated person or not. In effect, this means that a mandated person can make a joint report with a DLP.

Where a Mandated Person receives information relating to a child protection concern that is relevant to the University, they can consider reporting it to a DLP as well as Tusla.

5.5 Reporting Process in Respect of Concerns

Everyone must be alert to the possibility that children/vulnerable person with whom they are in contact can be experiencing abuse or have been abused in the past.

The guiding principles in regard to reporting child/vulnerable person abuse is that the safety and well-being of the child/vulnerable person must take priority.

The reporting procedure for dealing with disclosures, concerns or allegations of child/vulnerable person abuse is as follows:

- a) Any person who has received a disclosure of child/vulnerable person abuse or who has concerns of abuse must bring it to the attention of a DLP immediately.
- b) A Mandated Person can also receive a child related disclosure or concern in the course of their work/profession.
- c) The DLP/Mandated Person must assess and review the information that has been provided.
- d) The DLP/Mandated Person should contact Tusla in the case of a child, and/or the HSE in the case of vulnerable persons, for informal advice relating to the allegation, concern, or disclosure.
- e) A Mandated Person can also consider reporting the matter to a DLP as well as Tusla if the concern is relevant to the University.
- f) After consultation with Tusla/HSE (as the case may be) officials, the DLP/Mandated Person must formally report the allegation, concern, or disclosure to Tusla/HSE, unless it comes within one of the exceptions under the Children First Act 2015. Appropriate advice can be sought from on Tusla/HSE and/or the University's Head of Legal Affairs in relation to whether any such exception applies.
- g) The DLP and Mandated Person can consider making a joint report to Tusla in relation to a child matter. In situations where a joint report is to be made, the responsibility for contacting Tusla for informal advice (as above) falls to the party who first received the disclosure.
- h) In the event that the matter is not formally reported, the reasons for not doing so must be clearly recorded by the DLP/Mandated Person.
- i) Where a formal report is made to Tusla/HSE, Tusla/HSE should then liaise with An Garda Síochána. It is likely that Tusla/HSE will want to speak to the person who first made the report to clarify facts and the circumstances of the report.
- j) Parents/guardians/carers of the child/vulnerable person can be informed of the

allegation, concern or disclosure unless doing so is likely to endanger the child/vulnerable person.

In cases of emergency where a child/vulnerable person appears to be at immediate risk and Tusla/HSE is unavailable, An Garda Síochána can be contacted. Under no circumstances can a child/vulnerable person be left in a dangerous situation pending intervention by Tusla/HSE.

5.5.1 Retrospective Allegations

The 2017 edition of Children First states the following in relation to the issue of dealing with retrospective allegations:

“Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling or is being treated for a psychiatric or health problem. If you are, for example, a counsellor or health professional, and you receive a disclosure from a client that they were abused as a child, you should report this information to Tusla, as the alleged abuser may pose a current risk to children.

If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, you must pass the information on to Tusla. If your client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

The reporting requirements under the Children First Act 2015 apply only to information that you, as a mandated person, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under this Guidance.”

The University sought and received clarification from Tusla as to the obligations (if any) individuals other than Mandated Persons have in relation to disclosures about retrospective/historical abuse, and if there are no such legal obligations, what advice Tusla has in relation to best practice in this regard. This is the response received from Tusla:

“It would be best practice that all non-mandated staff report any concerns to their [DLP] this would include any retrospective disclosures of abuse. There is no legal obligation on non-mandated persons to report to Tusla but staff should be expected to follow their organisation's child protection policies and reporting procedure.”

Therefore, a Mandated Person who receives a disclosure in relation to retrospective/historical abuse where there is a possibility of a continuing risk to children must report it to Tusla either by themselves or by way of a joint report with a DLP as set out above.

A person other than a Mandated Person who receives a disclosure in relation to retrospective/historical abuse and where there is a possibility of a continuing risk to children must report the matter to a DLP as set out in this section.

5.5.2 Students on Placement

The University sought and received clarification from Tusla as to the status of students on placement in professions that could be relevant to those of a Mandated Person, and the best practice for such students in terms of whether they must raise any child protection concerns that come to their attention under the University's policy and procedures, or those of their placement organisation.

This is the advice provided to the University by Tusla in this regard:

“students are not mandated persons...best practice would be that any concerns students have on placement should be reported to the organisation's [DLP] where their placement is happening, however the college should have a policy that if student's concerns are not taken seriously and the student remains concerned they can report to their placement officer in their college. It would be important to communicate this policy to students and their placement organisation.”

Therefore, a student on placement can first seek to process any child protection (or vulnerable person) concerns under the policy and procedures of their placement organisation. However, if they are not satisfied that the matter is being addressed in that way, the concern can be reported to the University under this Policy.

Departments within the University whose students go out on placement should inform students of this best practice advice from Tusla/HSE, and also liaise with the placement organisations themselves to ensure they are also aware of this advice.

5.5.3 Standard Reporting Form & Information Required when making a Report

The University has adopted a standard reporting form for making reports concerning child/vulnerable persons abuse internally to a DLP. The more detail that is included in this form, the easier it will be to assess an allegation, concern, or disclosure of abuse.

Reports which are made anonymously will be followed up, but this can take longer and will

make it more difficult for the professionals involved to assess the situation.

Tusla has two forms for reporting child protection and welfare concerns to it – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. A web portal has been developed for mandated persons to securely submit CPWRFs.

The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse. It is not currently possible to submit RARFs using the web portal. Both the CPWRF and RARF can be downloaded from the Tusla website.

Mandated Persons cannot submit a mandated report to Tusla anonymously. The Children First Act 2015 requires Mandated Persons to report a mandated concern to Tusla “*as soon as practicable*”.

If a person is unsure about a particular case, it can be useful to talk over the issue with a DLP or with a Tusla worker before making an official report.

5.5.4 Confidentiality

In matters of child/vulnerable persons abuse, a member of staff must never promise to keep secret any information which is divulged. It must be explained that this information cannot be kept secret but only those who need to know will be told.

It is essential in reporting any case of alleged/suspected abuse that the principle of confidentiality applies. The information must only be shared on a ‘need to know’ basis and the number of people that need to be informed must be kept to a minimum.

5.5.5 The Protections for Persons Reporting Child Abuse Act, 1998

This Act provides immunity from civil liability to persons who report child abuse ‘reasonably and in good faith’ to a DLP, Tusla or An Garda Síochána. It is a significant piece of legislation in the context of this Policy.

It provides:

- Immunity from civil liability to persons who report child abuse “*reasonably and in good faith*” to Tusla or An Garda Síochána. This means that if a reported suspicion of child abuse proves unfounded a person who takes an action against a person who made the report would have to prove that the reporter had not acted reasonably and in good faith in making the report.
- Protection for staff members from penalisation (including dismissal) by their

employers for making a report.

The Act also created an offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities “*knowing that statement to be false*”. This offence was designed to protect innocent persons from malicious reports.

5.5.6 Not Reported to Tusla/HSE or An Garda Síochána

In those cases where the University decides not to report concerns to Tusla/HSE (as the case may be) or An Garda Síochána, the individual who raised the concern must be given a clear written statement of the reasons why the organisation is not taking such action. The individual can be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Tusla/HSE 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’.

5.6 Activities Involving Travel & Overnight Stays away from Home and Online Interactions

5.6.1 Travel

Where a child or vulnerable person travels with staff to a class, meeting or other the University event, the University is responsible for the welfare of the child or vulnerable person while travelling and while at the class, meeting, or other event. In these instances, parental consent forms must be completed by parents/guardians and a record must be kept of the emergency contact numbers supplied. Parents/guardians must also be asked to provide information in relation to any special needs which the child or vulnerable person may have, including diet, medical needs, support needs, etc. A written record of this information must also be kept by the staff member travelling and a copy given to a Designated Liaison Person.

It is not recommended that staff give lifts in their cars to individual children or vulnerable persons, for University related activities especially for long journeys. Where this is unavoidable, it must be with the consent of the parents/guardians/carers and a senior member of staff at the University. If possible, a second adult should be present in the vehicle.

5.6.2 Overnight Stays

The following guidelines shall be observed where the University activities involve children or vulnerable persons staying away from home overnight:

- a) Adequate and safe transport arrangements must be made;
- b) Parent/guardian consent must be obtained for each participant, prior to the trip, including information on each participant about the following:

- Contact details of parent/guardian and another person named by the parent/guardian in the event of the parent/guardian not being available in an emergency;
 - All relevant medical information for the participant and consent for medical intervention, if necessary;
 - Any special needs which the participant could have, including diet, medical needs, support needs, etc;
- c) All relevant information including contact details, allergies, medicines, dietary needs etc. for the child or vulnerable persons must be kept by a member of staff on the trip.
- d) Parents/guardians will be fully informed of the programme or timetable for the event and should be given a copy of the programme;
- e) Parents will be given full contact details of the centre/hotel/accommodation and also of the member of staff in charge of the event.
- f) At least two adults, one male and one female, will accompany children or vulnerable persons staying away from home overnight. Where only one child or vulnerable person is going on the trip, one of the two adults must be a parent or guardian of that child or vulnerable persons. The University will seek to ensure, where reasonably practicable, that there will be a ratio of two adults for every [10] children under the age of [12] on a trip and two adults for every [20] children over the age of [12].

5.6.3 On-line Interactions

As a result of the pandemic, organisations like Munster Technological University that are involved in relevant activities with children and vulnerable persons have had an increased level of on-line engagement and interactions for such activities. Therefore, the University has developed the addendum attached at Appendix D to assist the University and its staff in considering their child safeguarding responsibilities and how they can reflect the principles of Children First through online interactions.

5.7 Dealing with Disclosures of Abuse

In the event of a child or vulnerable person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally. The following are guidelines to support staff in this regard:

- a) React calmly;
- b) Listen carefully and attentively; take the child or vulnerable person seriously;
- c) Reassure the child or vulnerable person that they have taken the right action

- in talking to you;
- d) Do not promise to keep anything secret;
 - e) Advise that support will be offered but that the information must be passed on;
 - f) Ask questions for clarification only. Do not ask leading questions (i.e., questions which prompt a “yes” or “no” answer);
 - g) Confirm with the child or vulnerable person that what has been heard is correct and understood;
 - h) Do not express any opinions about the alleged abuser;
 - i) Do not confront the alleged abuser;
 - j) Make a written record of the conversation as soon as possible, in as much detail as possible. Sign and date the record;
 - k) Ensure that the child or vulnerable person understands in so far as reasonably possible the procedures which will follow in accordance with this Policy;
 - l) Pass the information to a DLP, do not attempt to deal with the problem alone;
 - m) Treat the information confidentially (i.e., ensure that the information is only passed on to those who need to know it).

5.8 Code of Behaviour between Staff and Children or Vulnerable Persons

The following safe practice principles should be observed by staff at the University:

- a) Staff must be sensitive to the risks involved in participating in activities that require physical contact with children or vulnerable persons.
- b) While the University recognises that physical contact with children or vulnerable persons is sometimes necessary as part of the teaching and learning of certain activities, such as music for example, staff must ensure that such contact is no more than is absolutely necessary in the circumstances.
- c) While physical contact is a valid way of comforting, reassuring, and showing concern for children or vulnerable persons, it can only take place when it is acceptable to all persons concerned.
- d) Staff must never physically punish or be in any way verbally abusive to a child or vulnerable person, nor can they even tell jokes of an inappropriate or sexual nature in the presence of children or vulnerable persons.
- e) Staff must be sensitive to the possibility of developing favouritism.

- f) While it can be necessary for staff at the University to work on a one-to-one basis with children or vulnerable persons, staff must not spend excessive amounts of time alone with an individual child or vulnerable person.
- g) Where Staff are providing tuition to a child or vulnerable person in one of the studios in the CSM building, care must be taken to ensure that any window panel allowing others to see into the studio is not obscured in any way.
- h) Children or vulnerable persons must be encouraged to report cases of abuse or bullying. Complaints must be brought to the attention of a DLP.
- i) Everyone at the University must respect the personal space, safety, and privacy of individuals.
- j) It is not recommended that staff give lifts in their cars to individual children or vulnerable persons, especially for long journeys. Where this is unavoidable, it must be with the full consent of the parents/guardians and a senior member of staff at the University (See Section 5.6 of this Policy for more guidance in relation to travelling with children or vulnerable persons).

5.9 [Allegations against a member of Staff](#)

Where an allegation of abuse is made against a member of staff at the University, two distinct procedures will be followed:

- The reporting procedure in respect of the child or vulnerable person;
- The procedure for dealing with staff.

The same person will not have responsibility for dealing with both procedures. The DLP will follow the normal reporting procedure in respect of the child or vulnerable person. It will be the responsibility of Human Resources at the University to deal with the member of staff against whom an allegation has been made in accordance with agreed procedures (such as the University's Disciplinary Procedure), the applicable contract of employment and the rules of fair procedure and natural justice.

If there is an allegation or suspicion in relation to a DLP, one of the Vice Presidents for Corporate Affairs will deal with all aspects of the case, including the reporting procedure.

If an allegation is made against a member of staff the following steps will be taken:

- a) Human Resources will deal with all aspects of the case relating to the employment of the member of staff.
- b) The allegation will be assessed by a DLP to establish if there are reasonable grounds for concern and whether a formal report will be made to the statutory

authorities in accordance with Section 5.5 of this Policy.

- c) The safety of the child or vulnerable person is the first priority, and all necessary measures will be taken to ensure that the child or vulnerable person is safe. The measures taken will be proportionate to the level of risk.
- d) The University will ensure that no other children or vulnerable persons are at risk during this period and will inform other relevant agencies or parents/carers as appropriate.
- e) The measures which can be taken to ensure the safety of children or vulnerable persons can include the following: immediate suspension of duties on full pay of the person accused, re-assignment of duties where the accused will not have contact with children or vulnerable persons, working under increased supervision during the period of the investigation or other measures as deemed appropriate.
- f) Where a report is received the University will notify the member of staff that an allegation has been made and what the nature of the allegation is. The member of staff has a right to respond to this and this response must be documented and retained.
- g) The University will ensure that the principle of 'natural justice' will apply whereby a person is considered innocent until proven otherwise.
- h) The University will work in co-operation with An Garda Síochána and Tusla and any decisions on action to be taken in regard to the member of staff will be taken in consultation with these agencies. The University will seek to ensure that actions taken do not undermine or frustrate any investigations being conducted by Tusla or An Garda Síochána.
- i) The person against whom the allegation is made will need support during this period and the University will provide advice on how to access the relevant support services.
- j) Where an allegation is not upheld the University will ensure, as far as possible, that the good name and office of the person subject to the allegation is preserved.

5.10 Bullying

All children, or vulnerable persons and staff at the University should treat each other with dignity and respect. Nobody should engage in or tolerate bullying behaviour.

“Bullying” can be defined as repeated aggression be it verbal, psychological or physical which is conducted by an individual or group against others. It is behaviour which is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools.

Examples of bullying include:

- a) Teasing;
- b) Taunting;
- c) Threatening;
- d) Hitting;
- e) Extortion;
- f) Exclusion; and,
- g) Cyber-bullying.

Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity, and religious factors. With developments in modern technology, children or vulnerable persons can also be the victims of non-contact bullying, via mobile phones, the internet, and other personal devices.

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

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

The University will not tolerate any bullying behaviour and will deal with any incidents immediately. If a person is the victim of bullying or witnesses or suspects that bullying is taking place, they can report it to a member of staff. Instances of suspected bullying where both the alleged victim(s) and alleged(s) perpetrator are children or vulnerable persons will be dealt with in accordance with the University's student regulations. Instances of suspected bullying where the alleged victim(s) is a member of staff and the alleged perpetrator(s) are children or a vulnerable person, will be dealt with in accordance with the University's student regulations.

Instances of suspected bullying where the alleged victim(s) is a child or vulnerable person, and the alleged perpetrator(s) is a member of staff will be dealt with in accordance with this policy and/or the University's Dignity and Respect Policy.

The more extreme forms of bullying, when perpetrated by adults rather than children or

vulnerable persons, can be regarded as physical or emotional abuse. Other major forms of child or vulnerable persons abuse such as neglect, and sexual abuse are not normally comprehended by the term bullying. Instances of bullying that can be regarded as physical or emotional abuse can also fall to be dealt in accordance with the procedures outlined elsewhere in this Policy for dealing with child or vulnerable persons abuse.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, it can be referred to Tusla, HSE and/or An Garda Síochána.

5.11 Keeping Parents/Guardians Informed

The University will keep parents/guardians/carers informed of all aspects of the programme that their child or vulnerable person is involved in. The University will share information relating to the programme of activities, trips away, transport to and from events, etc. with the parents/guardians. The University will inform the child or vulnerable person's parents/guardians/carers in the event of a child or vulnerable person disclosing an incident of abuse unless this could put the child or vulnerable person in danger.

5.12 Feedback in relation to Child Protection

The University is committed to ensuring the safety and welfare of all children and vulnerable persons. The University welcomes comments from staff, children or vulnerable persons and their parents/guardians in relation to this Policy.

5.13 Vetting & Training

5.13.1 Vetting

The University carries out Garda vetting in relation to its staff members, which can help identify potential child or vulnerable person protection risks and allow the University to assess a person's suitability to work with children or vulnerable persons. The University will also seek to introduce additional checks and procedures in relation to the engagement of on-site contractors to ensure appropriate vetting of such individuals has been carried out.

5.13.2 Training

All staff at the University working with children or vulnerable persons will be expected to participate in relevant training in relation to this Policy as required from time to time.

Where young people, under 18 years, are assisting in the work of the University, they will receive appropriate information on this Policy at a level suitable to their age and experience. These young people will always work in partnership with or under the supervision of a member of staff who is an adult.

Tusla provides information resources on Children First guidance and legislation, including an e-learning training module. This e-learning module, which is called *Introduction to Children First*, covers recognising and reporting child abuse, the role of Mandated Persons, including

mandated assisting, and the responsibilities of organisations working with children to safeguard children using their services. Information on how to access the e-learning module can be found on the Tusla website.

The University will notify staff of any training obligations and bring this to their attention and engage with other awareness raising programmes in the area of child or vulnerable persons protection and this Policy.

5.14 Relevant Legislation

This Policy has been drafted to account for issues addressed in a number of pieces of legislation including:

- a) The Child Care Act 1991;
- b) The UN Convention on the Rights of the Child 1992;
- c) The Non-Fatal Offences Against the Person Act 1997;
- d) The Protection for Persons Reporting Child Abuse Act 1998;
- e) Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012;
- f) The Children First Act 2015.

Appendix A – Risk Assessment Cork Campuses

In accordance with section 11 of the Children First Act 2015, the following is the written risk assessment of the University.

Categories	Relevant Activities	Risk	Risk Level	Control Procedures to Manage Risk	Actions
MTU Registered Students	Student 'On-Boarding'	Student understanding / awareness of policies, key contacts and supports available	Low	Good Start Programme - Induction	Increase student awareness
					Student Leaders – Garda Vetting
		One-to-One Contact	Low	Student leaders to be instructed on policy re one-to-one	Student Leader Training
	Counselling	One-to-One	Low	Professional Accredited Counsellors	Review policy and procedure
	Teaching Activity	One-to-One	Low	Addressed by policy	Staff Awareness
	Sporting Activities	Coaching	Med	Recruitment and supervision of Coaches	Review procedures
	Trips involving overnight or foreign travel	One-to-One	Med	Addressed by policy	Staff Awareness
	Placement	Supervision by other than the University	Low	Address through Placement Contract – minors must be identified	Review and further assess
		Very unlikely since placement happens after year 1			
	Social Studies/	Student in	Med	Students Garda	Student Training

	Early Childhood	authority of minors/ vulnerable persons		Vetted	
	Toilets	Isolated unsupervised areas	Med	Toilets are located in populated areas. Cubicles can be locked	Review CCTV Coverage
	Gym Changing Rooms & Toilets	Open Access	Low	Signage re children	Review CCTV Coverage
	Administration and First Aid	Untreated injuries	Low	Medical Centre/ERT – more than one attending any incident	ERT Awareness
	Staff Recruitment	Recruiting Staff who could pose a risk	Low	All staff garda vetted	
	External Contractors	Engaging contractors who could pose a risk	Low	Ensure awareness through tendering / purchasing process	Review Purchasing Procedure
Junior Music at MTU - CSM					
	Attendance at school	Lack of Parental supervision	Med	Signage in place	Organise workshop with CSM DLPs
		Attendance other than in class		Staff Training	
	One-to-One Teaching	Nature of music teaching involves one-to-one	Med	Building is specifically designed with viewing panels	Organise workshop with CSM DLPs
		Rooms have high-level of sound proofing			
	Open Campus	Unauthorised entry	Med	CCTV	Organise workshop

	Access	to campus			with CSM DLPs
				Reception desk has full visibility	
				No separate access to Café	
External Student Attendance					
	Open Days	Large number of Secondary School Students		Teacher supervised	
				Organised Activity with event management plan	
	Sports Camps and Sports Days	One-to-One changing rooms	Med	Event management plan	
				Coaches Garda Vetted	
	Work Experience Incoming	One-to-One	Low	Assigned Supervisor	
	Use of facilities by sports clubs	Gym Changing Rooms & Toilets	Med	Signage re underage children	Review CCTV Footage
					Erect signage that <16 must be supervised
	Summer Languages Colleges	Not under University direct supervision	Med	Recognised contracting authority	Review agreement/contract
		Communication difficulties			
		Supervision outside hours on campus			

	Blackrock Castle Observatory (BCO)	Large number of School groups	Med	Teacher supervised	Organise workshop with BCO DLP's
				Organised activity with event management plan	
	Coder Dojo	One-to-One and travel	Low	Parents in full attendance	
Additional parties to be engaged with further:	<ul style="list-style-type: none"> • Students Union • Research Ethics • Designated Liaison Person and Deputies • Student Services Officers • Early Start • Early Childhood Studies • Social Studies • Student Affairs & Administration Managers • Chaplaincy • Cork School of Music, Cork College of Art and Design, and National Maritime College of Ireland • Caretakers • Blackrock Castle Observatory, Coder Dojo • Enterprise Camps • Access Disabilities • Safety Officers • Summer Schools • Sports Offices • Schools Liaison & Marketing • Purchasing Office/Tenders • Facilities 				

Appendix B – Kerry Campuses

Category	Relevant Activity	Risk	Risk Level	Control/Procedures to Manage Risk	Actions
Kerry Registered Students	Student Induction /Orientation	Other Students involved as student leaders	Low	Student leaders are Garda Vetted	Review child protection awareness for student leaders at leader training.
	Counselling	One-to-One	Low	Professional Body accredited counsellors/Garda Vetted	None
	Support Staff	One-to-One	Low	All staff Garda vetted	None
	Lecturing	Group or One-to-One	Low	Addressed by policy/ Staff Garda Vetted/Staff Awareness	Staff awareness of policy & mandated persons online training to be provided to all staff.
	Lecturing - Practical sessions involving children (and adults with disabilities)	Group or One-to-One	Med	Staff Garda Vetted/Staff Awareness	Review processes in place for practicals involving children
	Sporting Activities	Coaching	Low	All coaches are Garda vetted	Review Procedures
	Trips involving overnight or foreign travel	One-to-One	Med	Addressed by policy	Staff Awareness
	Placements	Supervision by other organisations	Low	Address through placement contract - minors must be identified	Review current contract/procedures
	Placements	Students in authority of minors	Low	Students Garda Vetted	Student Work placement preparation to be reviewed
	Toilets/gym changing rooms/Locker Rooms	Potentially isolated areas	Med	Located in populated areas, toilet cubicles can be locked	Review security surrounding these areas
	Gym Changing Rooms	Open access	Low	Open areas, locked cubicles	Review required of existing safety measures

	Staff Recruitment	Recruiting staff who could pose a risk	Low	All staff Garda vetted, and reference checked	None
	External Guest Lecturers	Engaging guest lecturers who could pose a risk	Low	Guest Lecturers have limited time in the Institute	Review whether guest lecturers must provide evidence of being Garda Vetted & consider staff member accompanying guest whilst on premises.
	External Contractors	Engaging contractors who could pose a risk	Low	Ensure all tendering process include child protection clause where possible	Review of tendering process
	Student Tutor Panel	One to one	Low	Tutors are Garda Vetted by Unijobs	Include child protection policy in tutor pack.
	Hydrotherapy Pool in Kerry Sports Academy	Group or One-to-One	Med	Staff Garda Vetted/Staff Awareness	Review of child protection during use of pool and changing areas
Internal access by Children from other organisations	Primary School - Collaboration	Primary school children on site for presentations	Low	Supervised by School Teacher/University staff Garda vetted	None
	Open Days	Large number of secondary school children on site	Low	Supervised by School Teacher/University staff Garda vetted	None
	Work Experience/Transition Year Students	One-to-One	Low	Staff in area are Garda vetted	Staff Awareness Training & approval process for children working in the University
	Events held by University involving children (i.e. goalmine summer programme)	Large amount of school children on site	Low	Staff involved are Garda vetted	Review procedures for approving University events involving children

External Access of University Facilities by External organisations	Summer Camps/Sport Clubs/Other clubs & societies	University does not control child protection of external organisations	Med	Child Protection covered by external organisation	Review required of University involvement in Child Protection where external organisations using facilities
	Events such as Apprentice Chef, Tourism Insight	Large number of primary & secondary school children on site	Med	Open areas with more than one person and teachers/parents in close proximity.	Review required of University involvement in Child Protection where external organisations using facilities

Appendix C - “Mandated Persons”

The following classes of persons are specified as mandated persons for the purposes of the Children First Act 2015:

- a) Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
- b) Registered nurse or registered midwife within the meaning of section 2 (1) of the Nurses and Midwives Act 2011.
- c) Physiotherapist registered in the register of members of that profession.
- d) Speech and language therapist registered in the register of members of that profession.
- e) Occupational therapist registered in the register of members of that profession.
- f) Registered dentist within the meaning of section 2 of the Dentists Act 1985.
- g) Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
- h) Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
- i) Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
- j) Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
- k) Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
- l) Teacher registered with the Teaching Council.
- m) Member of An Garda Síochána.
- n) Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
- o) Person employed in any of the following capacities:
 - Manager of domestic violence shelter;
 - Manager of homeless provision or emergency accommodation facility;
 - Manager of asylum seeker accommodation (direct provision) centre;
 - Addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - Psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;

- Manager of a language school or other recreational school where children reside away from home;
- Member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- Director of any institution where a child is detained by an order of a court;
- Safeguarding officer, child protection officer ¹or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational, and other bodies and organisations offering services to children;
- Childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- Person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

p) Youth worker who:

- Holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
- Is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

q) Foster carer registered with Tusla.

r) A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

¹ Wording from Children First Act 2015, Child Protection Officer is called Designated Liaison Person within the University as per Tusla wording.

Appendix D – Addendum – Online Interactions

As a result of the pandemic, organisations like Munster Technological University involved in relevant activities with children and vulnerable persons have had an increased level of on-line engagement and interactions for such activities. The following addendum to the University’s Child Protection Policy is to assist the University and its staff in considering their child safeguarding responsibilities and how they can reflect the principles of Children First through online interactions.

Garda Vetting

Anyone engaging online with children and/or vulnerable persons on behalf of the University must be Garda vetted. Human Resources can advise as to the vetting status of members of staff as necessary.

Consent and GDPR

Parental or guardian consent in writing is required for a child or vulnerable person to participate in the activity. What is required is a verifiable record of consent, which can allow for it to be collected digitally or through other methods (by phone, confirmation email etc.). It is not necessarily restricted to a paper form per se, provided the method is verifiable and secure.

Consent must be fully informed, so the parent/guardian must be given an appropriate level of information to understand the nature of the activity, how the child/vulnerable person will engage with it, and how any communications will be sent. When sending group emails, it is important to protect the privacy and security of email addresses, so recipient emails must not be visible to one another.

It is also important to gather the necessary information to keep children and/or vulnerable persons safe during the activity.

A form has been devised to capture the necessary consent and information. This form also addresses consent issues for the purposes of data protection/GDPR.

School/Partner Engagement

If the activity is being organised with the involvement of a school or another partner organisation the child is involved with, the parties must be clear in relation to who is responsible for what in relation to the activity. Is the school obtaining parental/guardian consent? Has the parent/guardian been informed of the University’s role and involvement? Have they consented to this and is there a record of it, including data protection/GDPR related permissions? Who is hosting the activity, is it through a University platform or one being used by the school or other partner organisation?

If a parent/guardian wishes to withdraw consent, they can do so by communicating with the party who obtained it in the first instance. That party can then communicate it to other partners involved.

The partners involved in any particular arrangement must ensure that no output arising from that partnership is circulated until all relevant parties involved have provided the requisite consent.

The staff member must request confirmation in writing from any school or other partner organisation that any of its staff who will be involved in the online activity are also Garda vetted.

Platform and Devices

Always make sure the platform being used is suitable for the children's age group, stage of development and ability. Double check the privacy settings in advance.

Personal devices must not be used to host the activity. Only use University devices where the activity is being organised by the University.

Adult to child ratios

It is best practice to have at least two adults present when engaging with children and/or vulnerable persons online.

The number of adults needed for online activities will vary depending on the age and stage of development, and the activities being carried out.

For example, if staff are using 'breakout rooms' on an online platform, staff need to consider how will these be supervised, and appropriate steps must be taken to maintain an appropriate ratio at all times.

Maintaining professional boundaries

Engagement online is different to face-to-face, but adults must always maintain professional relationships with children and/or vulnerable persons.

If the person/group are recording or live streaming an activity, make sure it takes place in a neutral area where nothing personal or inappropriate can be seen or heard in the background. They must also try to ensure children and/or vulnerable persons are in a neutral area if they can be seen on camera.

Livestreaming and recording sessions

If it is planned to record or livestream the activity via an online platform, the risks need to be assessed and appropriate actions taken to minimise harm.

Is recording necessary? The person/group needs to think about how to carry out the activity in a way that meets the needs of the person/group and the needs of the children/vulnerable persons they are working with.

Recorded webinars can be more suitable if children and families need flexibility about when they engage with the activity. Livestreaming can help children engage in a different way and monitor their progress and feedback.

If an activity/event is being livestreamed, think about whether the children/vulnerable persons will be asked to turn their cameras on. Is this necessary? What purpose does it serve? Some children/vulnerable persons might not feel comfortable turning their webcams on. They can be shy, unsure of the technology or have had a bad experience using it in the past. Some children/vulnerable persons, parents and guardians can be uncomfortable with others being able to see into their home. And some might want to hide something going on at home, such as abuse and neglect. Every child/vulnerable person is different. Some might be more confident about asking questions with their cameras off, and others might prefer it with the camera on. If they do not want to turn their camera on, try to find out why. Consider whether someone needs to check in with them and their family separately to make sure everything is okay.

The practice of the University's Cork School of Music, for example, is not to include footage of children when live streaming or recording activities, only footage of the lecturer. This is a careful and prudent approach. Where this is not possible, the identity of the participants must be protected where possible so that their full name does not appear with their image.

Further Contact

Any further contact with children/vulnerable persons subsequent to an on-line activity must be through the parents/guardians or the school or other partner organisation. There must be no direct contact with the child without the parent/guardian being aware of it also, which might involve copying them on communications. Any further contact must also be limited as necessary in terms of the scope of the original parental/guardian consent.

Reporting a Concern

If there is a child protection concern as a result of a University related online activity, it must be raised and reported in accordance with the University's Child Protection Policy.

Document Control

A. Document Details

Title:	Child Protection Policy and Code of Behaviour for Working with Children and Vulnerable Persons
Owner(s):	Vice Presidents for Finance & Administration/Corporate Affairs
Author(s):	Human Resources Department
Version Number:	1.0
Status:	Approved
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Review Date:	12/2022
Data Classification:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Confidential/Strictly Confidential <input type="checkbox"/> Restricted/Internal Use

Note: If the 'Status' of this document reads 'Draft', it has not been finalised and must not be relied upon. An existing approved document is deemed relevant until such time as an updated document has been approved by the relevant approval authority and becomes the new binding document.

B. Revision History

Version Number	Revision Date	Summary of Changes	Changes tracked	Proposed Revision Date
0.1	15/12/2020	Comparison of existing approved CIT/ITT policies.	Yes	
0.2	19/01/2021	Review by HOL.	Yes	
0.3	19/05/2021	Review by HOL, added addendum re online interactions including feedback from DLPs.	Yes	
0.4	07/07/2021	Reviewed with HOL and TASS union representatives.	Yes	
0.5	13/07/2021	Kerry risk assessment added.	Yes	
0.6	16/09/2021	Further review by HOL.	Yes	
1.0	02/12/2021	Policy as approved by GB approval, and subsequent correction to description of 'Senior Staff Officer Human Resources' in section 4.2, and a small number of cross-referencing inaccuracies.	No	

C. Relevant/Related Existing Internal/External Documents

Dignity and Respect Policy and Procedure
Disciplinary and Grievance Procedures

The above list is not exhaustive and other University documents can also be relevant.

D. Consultation History

This document has been prepared in consultation with the following bodies:

TASS Staff Union Representatives

E. Approvals

This document requires following approvals (in order where applicable):

Name	Date	Details of Approval Required
Governing Body	02/12/2021	Policy Approval

F. Responsible for Communication and Implementation

Manager/Functional Area responsible for communication and implementation:

Title	Functional Area	Date Implemented
Human Resources Managers	Human Resources	02/12/2021

