

Policy and Procedures for the Protection and Safeguarding of Children

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Name of service:

Helium Arts, 22 Pearse Street, Mullingar, County Westmeath. (CHY Number 19236)

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1. Introduction

In Ireland, 120,000 children live with long-term health conditions, which can bring daily social and emotional challenges. Helium Arts is the national children's arts and health charity and social enterprise focussed on responding to these children. We are based in Mullingar, County Westmeath and operate nationwide.

Our mission is to “empower children living with illness through their creativity and the arts, inspiring those who care for them and supporting creative healthy environments.”

Our vision is that all children with health conditions in Ireland are connected to their creative powers so they can live life to the full.

Helium Arts provides arts activities to promote wellbeing and creative development, countering social isolation and the negative effects of living with long-term health conditions. In delivering our services, we bring art, creativity and play to children and young people in hospitals, communities and healthcare settings across Ireland.

We are a child-centred organisation and place children at the centre of our work. We are committed to safeguarding children, and their safety and wellbeing are the responsibility of everyone working or volunteering with Helium Arts. We value a child's right to a quality childhood, regardless of the state of their health. We respect the individuality and autonomy of older children and teenagers and are attentive to their different needs.

Services

Helium Arts delivers services nationwide in a variety of settings through our Creative Health Programme with regional centres in Limerick, Galway, and Cork.

- Hospital Outpatient Programme
- Community Programme
 - One day taster workshops
 - Activity camps
 - Weekly workshops
- Remote Programme

In all locations, our services are delivered by arts professionals and volunteers supported by health professionals.

Statutory Obligations

The services provided by Helium Arts are relevant to Schedule 1, Section 2 of the Children First Act 2015:

- “5. Any work or activity which consists of the provision of—
(a) educational, research, training, cultural, recreational, leisure, social or physical activities to children”

As a provider of “relevant services”, Helium Arts is subject to statutory obligations as follows:

- a. To keep children safe from harm while they are availing of Helium Arts’ services
- b. To carry out a safeguarding children risk assessment
- c. To prepare and publish a Child Safeguarding Statement, to be reviewed after 24 months or as soon as practicable after any material change to which the statement refers
- d. To appoint a relevant person as the first point of contact in respect of the Child Safeguarding Statement.

As a relevant service, Helium Arts has appointed a “relevant person” to be the first point of contact in respect of our Child Safeguarding Statement and associated policies and procedures. Helium Arts’ Child Safeguarding Statement ([Appendix 1](#)) applies to all staff of Helium Arts and sets out the legal requirements set forth by the Act.

The relevant person for Helium Arts is Mitzi D’Alton, Programme and Operations Manager.

Purpose and Values of Helium Arts’ Policy and Procedures for the Protection and Safeguarding of Children

The aim and purpose of this Policy and associated procedures is to safeguard children, young people, families and staff. Helium Arts’ Policy and Procedures for the Protection and Safeguarding of Children is a document that assists Helium Arts staff in identifying and responding to allegations and suspicions of child abuse or neglect. The document is based on and adheres to the Department of Children and Youth Affairs’ *Children First: National Guidance for the Protection and Welfare of Children*, (henceforth the *National Guidance*) published in 2017, and the Children First Act 2015. Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, *Children First: National Guidance for the Protection and Welfare of Children (2017)*, and Tusla’s *Child Safeguarding: A Guide for Policy, Procedure and Practice*.

The Safeguarding Statement is displayed prominently on Helium Arts’ website and in the Helium Arts offices. The Staff Handbook and the Volunteer Handbook contain detailed information on all Helium Arts policies and procedures.

Scope of Policy

As a relevant body, Helium Arts adheres to the Children First Act 2015 and Article 1 of the UN Convention on the Rights of the Child's definition of a child as anyone below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

The Policy and Procedures for the Protection and Safeguarding of Children applies to:

- All staff of Helium Arts (which includes employees, interns, contracted workers and volunteers)
- Board members

The Policy and Procedures for the Protection and Safeguarding of Children applies when staff are working in the Helium Arts offices and while representing Helium Arts at other venues. This includes hospitals, community settings, private homes, healthcare and all other settings.

It applies across all our management, organisational and programme activities such as:

- Hospital Outpatient Programme
- Community Programme
 - Activity Camps
 - Weekly Workshops
 - One-day Taster Workshops
- Professional Development
- Remote Programme

Guiding Principles

The guiding principles are as set out in the Child Safeguarding Statement of Helium Arts (Appendix 1). It will be the responsibility of Helium Arts to ensure these principles are followed to safeguard, as far as practicable, children who are attending or in contact with Helium Arts' services.

Actions that will assist the implementation and maintenance of the safeguarding children principles include:

- Responding without undue delay to protection and welfare concerns in respect of children and following the guidance contained within Helium Arts Policy and Procedures for the Protection and Safeguarding of Children 2022.
- Ensuring that a Relevant Person and a Named Person are appointed for the purposes of the Children First Act 2015.
- Ensuring that a Designated Liaison Person (DLP) and a Deputy Designated Liaison Person (DDL) are appointed for the purposes of the National Guidance in respect of Children First 2017.

- Reporting child protection or welfare concerns/suspensions to the Designated Liaison Person or the Deputy Designated Liaison Person and following Children First-compliant procedures.
- Ensuring that identified mandated staff fulfil their responsibilities under the Children First Act 2015 and that a list is maintained by Helium Arts of such personnel.
- Ensuring appropriate management, recruitment and supervision of staff is in place and is subject to regular internal review.
- Drafting and implementing a safeguarding children training plan for all staff and a role-specific training plan for the safeguarding children post holders.
- When Helium Arts is partnering with another body in respect of a children's event, there must 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 any work carried out by Helium Arts staff in the community. See Appendix 11 for details on working with partners and primary carers, with particular reference to hospital locations.
- Complying with Helium Arts 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/guardians are informed of any issues or concerns regarding their children.
- Ensuring groups/organisations bringing children to Helium Arts events, on a planned basis, confirm they will have appropriate supervision ratios in place prior to accessing the facilities, i.e. adults: children. Such groups should also confirm they have Children First-compliant procedures in place at the planning stage.
- Ensuring children and parents/guardians are aware of the Helium Arts Policy and Procedures for the Protection and Safeguarding of Children 2022.
- Being inclusive of children and young people with disabilities and/or health issues in the provision of and access to their services.
- Ensuring that all appropriate organisations and the general public are aware of Helium Arts Policy and Procedures for the Protection and Safeguarding of Children 2022 document.
- Ensuring that the Policy and Procedures for the Protection and Safeguarding of Children document and appendices are available on the Helium Arts website.
- Encouraging children to report any bullying concerns and ensuring that staff are aware of the dignity at work policy and procedures outlined in the Helium Arts Staff handbook.
- Ensuring a Protected Disclosures policy is in place that reflects the needs of children.

- Ensuring that photographing or recording of identifiable 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 attending Helium Arts without the written consent of the parent/ guardian. This will apply in particular to the Helium Arts website or social media links of the body/individual staff.
- Reporting without delay any observed possible breach of the Helium Arts code of conduct, related to children, by staff, which is observed by a colleague, to the relevant manager for appropriate response.
- Helium Arts will be responsible for reviewing and updating the Policy and Procedures for the Protection and Safeguarding of Children and the Child Safeguarding Statement at a minimum bi-annually, or as soon as possible if there has been a material change in any national policy, legislation or relevant procedural issues.

Note:

A glossary of terms in respect of Helium Arts Policy and Procedures for the Protection and Safeguarding of Children 2022 is referenced in Appendix 2

Relevant legislation and national guidance are referenced in Appendix 3

2. Safeguarding Children

The welfare and best interests of children are of paramount importance. Helium Arts is committed to respecting the right to dignity and bodily integrity of every child and to protecting those rights in line with the core principles of the UN Convention on the Rights of the Child (UNCRC) as articulated in Articles 2, 3 and 6.

All Helium Arts staff and board members have a responsibility to protect children, and therefore the organisation has a duty to protect children by having clear policies and procedures in place.

In the process of safeguarding children Helium Arts commits to the following:

- All planned activities will be risk assessed for suitability and tailored to the age, abilities and needs of the children for whom they are designed. Wherever possible, alterations will be made to ensure that no children are excluded from activities due to their individual needs.
- When Helium Arts hosts events that involve the participation of children, any supervision of children carried out by the organisation will be done at a ratio of adults to children based on the age of the children and the risk assessment will be carried out in advance of those events, or other legal regulations.
- Helium Arts code of behaviour for adults applies to all staff when working with children.
- All children under 16 years must be accompanied by a responsible adult for performances and exhibitions.
- Children under the age of seven years taking part in non-performance or exhibition-based activities must be accompanied by a responsible adult during their visit.
- If appropriate to the activity of the workshop, children seven years old or over can be left without their responsible adults in workshops once the workshop has commenced, if there is adequate supervision in place and providing the parent/guardian ensures that the organiser has their contact details and details of any individual requirements that the child has.
- Parent(s)/guardian(s) are responsible for the arrangement of bringing and collecting their child from any events unless otherwise stated. Helium Arts does not accept responsibility for the collection of children from events.
- Helium Arts endeavours to ensure that staff are not left alone with a child at an event or in Helium Arts premises. In the event that one-to-one work with children is necessary and appropriate, this will be done in an open and monitored space, fully covered by CCTV. The child's parent or guardian will be made aware of the need for the one-to-one work, the duration and content of those sessions, and their consent will be sought before that work happens.

- If activities are planned that involve taking children off-site as a group without their parents or guardians, as well as the previously mentioned factors, consideration will be paid to ensuring safe and appropriate methods of transport and accommodation, parental consent and declaration of individual needs as well as clear communication processes.
- Helium Arts' public liability insurance will be in place and adequate for the events being delivered.
- Helium Arts fully accepts and endorses the Children First Act and the Children First Guidance and encourages its partners to develop child protection policies in line with the legislation and endorsing Children First Guidance.
- Helium Arts will not knowingly engage with any person, organisation or finance any project that poses a risk to children or that does not meet the child protection and safeguards outlined in the Children First Act and the Children First: National Guidance for the Protection and Welfare of Children (2017).
- Helium Arts upholds and is guided by the principles of the UNCRC and, in this regard, is committed to ensuring that all children with whom staff members have contact are treated equally and that all children have a right to voice their opinion in matters affecting them (Articles 2, 12 and 13).
- Helium Arts ensures that staff receive the appropriate training in child protection and welfare. All staff are required to complete Tusla's¹ and the HSE's online e-learning training module, Introduction to Children First.
- Helium Arts recruitment policy adheres to best practice, and Helium Arts ensures that all staff are vetted by the Garda Central Vetting Unit (GCVU).
- Interns and volunteers working with children and young people will also be vetted by the GCVU and work alongside a named member of staff who has been vetted by the GCVU.
- Anyone contracted on a consultancy basis to work on projects that involve contact with children will be vetted by the GCVU and work alongside a Helium Arts member of staff who has been vetted by the GCVU.
- All staff have a copy of Helium Arts' Child Safeguarding Policy and have signed a declaration that they are familiar with the procedures contained within it.

Helium Arts Code of Behaviour for Adults Working with Children

Child-Centred Approach

All staff, carers, teachers, visitors and facilitators should be aware of the following points and should adhere to them at all times in line with our child-centred approach to working with children:

- Treat all children and young people equally.
- Listen to and respect children and young people.
- Involve children and young people in decision-making, as appropriate.
- Provide encouragement, support and praise (regardless of ability).
- Use appropriate language (physical and verbal).
- Have fun and encourage a positive atmosphere.
- Offer constructive criticism when needed.
- Treat all children and young people as individuals.
- Respect a child's or young person's personal space.
- Discuss boundaries on behaviour and related sanctions, as appropriate, with children and young people and their primary carers.
- Agree group 'contract' before beginning session.
- Encourage feedback from the group.
- Use age-appropriate teaching aids and materials.
- Lead by example.
- Be aware of a child's or young person's other commitments when scheduling activities, e.g. school or exams.
- Be cognisant of a child's or young person's limitations, for example due to a health condition.
- Create an atmosphere of trust.
- Respect differences of ability, culture, religion, race and sexual orientation.

Responsible adults will not:

- Develop sexual, or inappropriately intimate, relationships with children or with any child attending Helium Arts.
- Spend excessive time alone with any child.
- Socialise with children outside of structured Helium Arts or interagency activities. This includes use of social media or other online or digital platforms.
- Engage in sexually provocative activities, jokes or make suggestive comments.
- Shame, humiliate or single-out a child in a degrading way.
- Hit, physically chastise or verbally abuse any child or children.

- Conduct themselves outside Helium Arts in any way that could adversely impact Helium Arts' reputation or bring it into disrepute.
- Use or allow offensive or sexually suggestive physical and/or verbal language.
- Allow or engage in inappropriate touching of any form.

All staff must exercise vigilance in their relationships with children, ensuring that the appropriate balance between the needs of the child and the discharge of professional responsibility is reached. It is the adult's responsibility to set appropriate boundaries and tone for interactions.

Safe Management of Events/Activities

Helium Arts takes responsibility to:

- Ensure that at Helium Arts sponsored events and activities involving children, the appropriate minimum staff supervision ratio of one adult to seven children is maintained.
- Ensure that the relevant risk assessment has been completed for the event/activity.
- Ensure that a parental/guardian consent form has been completed and returned for all participating children.
- Ensure that at events being organised by Helium Arts' partner organisations or other agencies, in which Helium Arts is participating, those organisations have in place a child safeguarding statement, together with policies and procedures and that representatives of Helium Arts receive a copy in advance of the activity.

Best safeguarding practice staff should be aware of:

- All activities planned will be suitable and tailored to the age, abilities and needs of the children for whom they are designed. Wherever possible, modifications will be made to ensure that no children are excluded from activities due to the individual requirements.
- When children and young people are part of any project, service or work, staff will complete a written assessment of risk outlining measures to manage any identified risk in line with the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children (2017). This will be done prior to engaging with the children and young people. Online safety and access to the internet while participating in Helium Arts' activities will be included.
- On all occasions when Helium Arts runs an event or activity involving children, a parental consent form will be forwarded to the parent(s)/guardian(s) of each child and formal permission sought and obtained for their child to attend and participate in the event or activity.

- Prior to any event commencing, the artist will ensure, on site, that a code of behaviour has been agreed with the children attending.
- Parent(s)/guardian(s) will be responsible for bringing and collecting their child from any Helium Arts event/activity unless otherwise stated.
- When Helium Arts hosts events that involve the participation of children, any supervision of children carried out by Helium Arts staff will be done at a minimum ratio of one adult per seven children.
- Where required, Helium Arts will register each child's information (name, address, phone, special requirements, attendance, emergency contact).
- All primary carers, children/young people, visitors and facilitators working with Helium Arts should be aware of the organisation's Child Safeguarding Policy and procedures and Child Safeguarding Statement.
- Helium Arts' Accident and Incident (Emergency) procedures are in place and all staff should be aware of these procedures.
- They are to be inclusive of children and young people with specific health needs.
- They plan and be sufficiently prepared, both mentally and physically, before involvement in activities with children.
- They report any child protection or welfare concern to the Designated Liaison Person and follow reporting procedures.
- They encourage children and young people to report any bullying, concerns or worries and to be aware of Helium Arts' anti-bullying policy.
- They observe appropriate dress and behaviour.
- They evaluate work practices on a regular basis.
- They attend appropriate safeguarding training for staff.
- Immediately report and record any incidents and accidents to the Programme and Operations Manager.
- To be aware that Helium Arts will update and review policies and procedures regularly.
- Primary carers are to be kept informed of any issues that concern their children when applicable.
- Helium Arts have guidelines and a prompt sheet for artists.

- Helium Arts will have a written agreement with any external organisation with whom an artist is working.
- Responsible adults will make every effort to avoid taking a session on their own. If this is not possible, then it should be in an open environment with the full knowledge and consent of primary carers.
- Responsible adults should avoid, if at all possible, giving a lift to a child, and if they do then make sure that primary carers are informed.
- Responsible adults should maintain awareness around language and comments made. If they believe that something they said may have caused offence or upset, then they are to try to address it in a sensitive manner.
- Helium Arts' Code of Behaviour applies to all staff when working with children.
- All children under 16 must be accompanied by an adult for performances and exhibitions.
- Children under the age of six taking part in non-performance or exhibition-based activities must be accompanied by an adult during their visit. If appropriate to the activity of the workshop, children six years old or over can be left without their grown-ups in workshops once the workshop has commenced, if there is adequate supervision in place and providing the parent/guardian ensures that Helium Arts has their contact details and details of any individual requirements that the child has.
- If activities are planned that involve taking children off-site as a group without their parents or guardians, as well as the previously mentioned factors, consideration will be paid to ensuring safe and appropriate methods of transport and accommodation, parental consent and declaration of individual needs as well as clear communication processes.
- Helium Arts' public liability insurance will be in place and adequate for the events being delivered.

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

- If a child is left at a Helium Arts event after closing time the responsible person 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.
- At an event if requested to direct a child to the toilet, staff should not accompany the child into the toilet, with the exception of a child who has a disability or other health issue and may require or request assistance.

- In a difficult situation involving a child, try and ensure another member of staff is present.
- Do not accompany a child outside of a Helium Arts event in search of a parent/guardian. Keep them safe until a parent or carer returns.
- Contact An Garda Síochana if there is 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 in relation 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, child-friendly guidance exists for children and their primary carers to be able to communicate with and access staff if they have a complaint.

Physical Contact:

Helium Arts recognises that physical contact with children is often a valid way to offer comfort and reassurance. In particular, children who have suffered significant trauma in their lives may seek out such contact and it is important that individuals representing Helium Arts can offer appropriate support in such circumstances. Helium Arts ensures that staff and board members exercise vigilance in their relationship with children, ensuring that the appropriate balance between the needs of the child and the discharge of professional responsibility is reached. No physical contact will take place unless it is acceptable to all parties concerned and the following guidance applies.

Responsible Adults Should:

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

Health and Safety:

Adults Should:

- Not leave children unattended or unsupervised.
- Not let children manage or handle any dangerous materials.
- Provide a safe environment.

- Be aware of accident and incident procedures and follow it accordingly.

Children's Code of Behaviour

This code of behaviour aims to ensure that children and young people who interact with Helium Arts staff and **each other** 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 and young people to recognise and respect the rights of others.
- Encourage children and 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 and young people attending Helium Arts events / activities in terms of:

- Cooperating with others.
- Listening to others.
- Treating everyone with respect.
- Taking responsibility for their own behaviour.
- Talking to a responsible adult about anything that they may be worried or concerned about.
- Following this code of conduct 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.

In Summary:

- All programmes are developed in consultation with children, their parents, healthcare staff, and/or patient support groups.
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives.
- Parents/carers have a right to respect and should be consulted and involved in matters that concern their family.
- The best interests of the child should be paramount.

Supervision of Children

Helium Arts recommends that organised groups of children using their facilities should apply the following adult to child ratios:

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

(Additional detail on NSPCC.com:

<https://learning.nspcc.org.uk/research-resources/briefings/recommended-adult-child-ratios-working-with-children#article-top>

(It should be recognised that the above ratios are based as a minimum standard.)

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

- whether the children have special needs or medical requirements
- the range of ages of the children
- the nature of the activity
- the duration of the activity
- the need to have a gender mix of responsible adults

Children with Disabilities and/or Specific Health Needs

Safeguarding standards for children with specific health needs and/or disabilities are 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, these include the following:

- Due to their disability and/or health needs, 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 that make it problematic for them to tell staff if something of an abusive nature is happening to them.
- Others may have a possible reluctance to accept that children with disabilities or specific health needs can be abused.
- Others may confuse signs and symptoms of abuse with what may be regarded as behaviour linked with a child's disability and/or health needs and fail to respond appropriately.
- In organising activities for children with disabilities/specific health needs, 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 action plan be put in place by the relevant body.

Lost or Missing Children

If a child participating in a Helium Arts activity gets lost or goes missing, Helium Arts will initiate and apply the following procedure:

- Ensure that all other persons involved in the activity are fully accounted for and continue to be supervised appropriately while a search for the child concerned is carried out.
- Notify the person responsible for the activity.
- Immediate action is required in the event of a missing child. Make a note of the circumstances in which the child has gone missing and where they were last seen and prepare a detailed physical description of the child, to include their hair and eye colour, approximate height and build and clothing they were wearing, as this will be required by An Garda Síochána if they need to be notified.
- Follow Garda guidance if further action is recommended.
- Maintain close and ongoing contact with the parents / guardian / carer, An Garda Síochána and the event organiser to aid the early and safe recovery of the lost / missing child.

- Complete an incident report form.
- Ensure that all involved including the parents / guardian / carer, searchers and Gardai are informed immediately if at any stage the child is located.

Note: Each location should have a sign-posted area for lost/missing children so a child can present themselves or adults can go to it if their child goes missing.

3. Managing Child Abuse or Welfare Concerns

The necessary stages of managing a concern are:

- Recognising a concern
- Responding to a concern
- Reporting a concern
- Recording a concern

3.1 Recognising a Concern

Child abuse is categorised as four main types: neglect, emotional abuse/ill treatment, physical abuse and 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 where 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 caregiver 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.

Note that 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.

Note 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 4 references, in detail, recognising child protection and welfare concerns.

3.2 Responding to Child Protection and Welfare Concerns

If a staff member becomes concerned that a child's behaviour or presentation suggests that there may be child protection or welfare concerns, they will follow Helium Arts' Policy and Procedures for the Protection and Safeguarding of Children 2022.

In summary, this will involve initially contacting the Designated Liaison Person (DLP) of Helium Arts or the Deputy DLP (DDL) who may then need to inform Tusla, Child and Family Agency.

In this situation, best practice would support the parents/guardians 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 Síochána or it is the considered opinion that it could place the person making the report at potential risk from the family.

Helium Arts has in place a Designated Liaison Person and Deputy Designated Liaison Persons for Children First.

Responding to a Concern

- The responsibility to safeguard children and to report child welfare or protection concerns, without undue delay, is shared by all Helium Arts 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, such reports will not be made without a consultation with a DLP.
- If a report is made by a mandated person, the DLP must be informed of the action.

Reasonable Grounds for Concern

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

- Evidence, for example of an injury or behaviour, which 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.

Primary Functions of Designated Liaison Person

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 exist for reporting to Tusla.
- To ensure that reporting procedures are followed within Helium Arts and such child protection and welfare concerns are referred promptly to Tusla.
- To ensure that all such concerns and the subsequent actions taken by Helium Arts are recorded and retained in a confidential file. This includes recording 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.
- To ensure that a working relationship is established with An Garda Síochána 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, if applicable, 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 that a report is to be submitted to Tusla or An Garda Síochána 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 Designated Liaison Person is responsible for ensuring that a detailed record of all persons working on behalf of Helium Arts who have access to children is kept by the organisation. This must include the following: full contact name and address, a description of their role, confirmation that they have been Garda vetted, and any other relevant information, such as training or qualifications.
- The Designated Liaison Person ensures that all staff members who have access to children have received sufficient training in accordance with guidance and standards set down by Tusla.
- Where an allegation or concern is not reported to Tusla, a Designated Liaison Person's records should clearly indicate the basis of their decision not to report and any actions taken by them.
- All notes relating to reporting are kept in hard copy by the Designated Liaison Person. The DLPs and the CEO are the only persons who are permitted to access this information.

Responding to a Child Who Discloses Abuse

In responding to a disclosure of abuse by a child the following guidance should be followed:

- 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's story. **False disclosures by children are rare.**
- Reassure the child that they have taken the right step in disclosing.
- 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 Síochána.
- 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 in the words they used to tell 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:

- Establish whether there is any current risk to children from the alleged abuser e.g., 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 assessed by Tusla. **(See appendix 12 for Retrospective Abuse Report Form.)**
- 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:

- 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:

- Note that this type of abuse may be called peer abuse.
- Inform the DLP immediately with a view to appropriate notifications to the statutory authorities.
- If reports are to be made, they should be made in respect of both children individually.

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

Note that 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 their designate is advised of such concerns.

The key principles to be followed in responding are as follows:

- In making an immediate decision about the staff member's presence in the work environment, the CEO/designate 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 and do not presume any finding of guilt.
- The same person in Helium Arts should not have the responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.
- The Helium Arts' reporting procedures for the reporting of child protection and welfare concerns will be followed by the DLP and/or deputy DLP.

The Helium Arts CEO or their designate will oversee procedures relating to employment issues:

The Designated Liaison Person will seek legal advice and will liaise with the CEO or their designate who, acting on behalf of the employee, volunteer, intern or contract worker will:

- Inform the individual that an allegation has been made against them.
- Explain to the employee the details of the allegation.
- Tell the employee whether or not a report has been made to Tusla, the Child and Family Agency.
- Perform a risk assessment to identify whether or not suspension of the individual is appropriate.
- Give the employee copies of any written records relating to the allegation.

- Offer the employee an opportunity to respond to the allegations within a specific time frame.
- Forward the employee's response to the Tusla Child and Family Agency (if appropriate)

Helium Arts must ensure that any actions or investigations by them do not compromise or prejudice any statutory investigation by An Garda Síochana or assessment by Tusla.

If an allegation is made against a Designated Liaison Person, then the Chair of the Board, or a person that they nominate, will carry out the above steps.

- Any action taken will take into consideration the applicable employment contract and the rules of natural justice.
- It will be to the benefit of everyone concerned that a timely resolution to the allegation is achieved.
- The agreed procedures for dealing with allegations of abuse against staff should be applied objectively and in a consistent manner.
- All elements of the process will be recorded, including any liaison with the statutory agencies.
- Close liaison will be maintained between Helium Arts, An Garda Síochana and Tusla. The DLP will be the liaison person for Helium Arts with the statutory agencies
- Formal inter agency meetings will be requested by Helium Arts with Tusla and An Garda Síochana to ensure effective liaison takes place in respect of the allegation and the necessary follow up actions
- It should be noted that 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

Responding to a Person Who Is Dissatisfied with How Their Allegation Was Dealt with by Helium Arts

Helium Arts has a feedback and complaints policy in place, (**Appendix 6**) which is available on the Helium Arts' website for children and parents to access, as well as staff. Any review of a complaint in terms of how a child abuse allegation was processed must involve the DLP of Helium Arts, excepting if that person or their deputy is the subject of the complaint.

This policy may also be accessed by persons who wish to make complaints in respect of children that may not be of a child protection or welfare nature. Examples of such complaints may include breaches of the codes of conduct 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.

Talking to Parents/Guardians 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 Helium Arts that it is good practice 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.

Note: If the parents/guardians 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 have prior knowledge and awareness of Helium Arts guiding principles, procedures and duties to safeguard children and young people.
- In contact with parents/guardians, clearly explain the nature of the concern, for example, by using information and records of observations made.
- Consider who is best placed to have this conversation with the parents/guardians e.g., good practice requires that it should be the person making the initial report and the DLP.
- Take a positive approach that reflects that everyone is working towards what is in the best interests of the child.
- Ensure that the approach to the parents/guardians is supportive, but also ensure the concern is made clear to all in the discussion.
- **Ensure you have been in contact with Tusla and An Garda Síochána to confirm that such planned contact with the family does not have the potential to interfere with their statutory functions**

3.3 Reporting child protection and welfare concerns

Key Steps

The following steps will be taken by Helium Arts in responding to and reporting child protection and welfare concerns:

Step 1

- On receipt of a concern, a staff member will immediately report the details to the Helium Arts DLP or Deputy DLP.
- This information should be relayed to the DLP using the Tusla Child Protection and Welfare Report Form. (Appendix 9)
- 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 Tusla or the Gardaí, 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 the Tusla duty social work service. (Such a consultation must be recorded by the DLP.) This consultation will be with a view to assisting the DLP in terms of deciding whether reasonable grounds for concern exist to report to Tusla.

Step 3

- If reasonable grounds for concern are deemed to exist, the DLP will report the concern to Tusla without any undue delay.

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. They 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 Helium Arts. This will be a record of all actions taken and all relevant correspondence issued and received by Helium Arts in respect of the concern.

Step 6

- Concerns that do not initially meet reasonable grounds for concern may, upon review, show patterns or trends that 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.

False Abuse Allegations

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

It is therefore good practice that any allegation of abuse against a staff member is dealt with sensitively. In addition, support should be made available by Helium Arts for both the person against whom the allegation has been made and for the person who reported the alleged abuse.

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

Protected Disclosures

Staff of Helium Arts have guidance available in respect of protected disclosures in the **Helium Arts Protected Disclosures Policy (Appendix 8)**. 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 Helium Arts structures. This may prevent a child in particular from remaining in a situation where there is a risk of abuse.

Anonymous Reports

Designated Liaison Persons when making a report to Tusla or An Garda Síochana must comply with the requirements of this policy and procedures, thereby not report anonymously. The same principle is applied to the 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 under the Children First Act 2015.

Malicious Reports

Malicious reports have the potential to cause harm to the named child 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 initially bring it to the notice of the DLP.

Reporting Concerns in an Emergency

In an emergency where the considered opinion is that there is an immediate risk to a child's health or welfare and the Designated Liaison Person or their Deputy, or Tusla, cannot be contacted a report should be made directly to An Garda Síochana. Following such an action, the standard report (CPWRF) (**Appendix 9**) 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's name, address, and age
- The names and addresses of parents or guardians
- 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)
- Current location of the child
- Names of other children in the household, if known
- Name of the school the child attends, if of school age, if known

3.4 Recording child protection and welfare concerns

When child abuse, neglect or a welfare concern is suspected, it is essential that a written record of all the information created is maintained by Helium Arts.

Therefore Helium Arts staff reporting a concern to the DLP shall be expected to provide as detailed an account as possible of the concern by completing the TUSLA Child Protection and Welfare Report Form.

All written records created must be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record.

All records shall include the name of the person bringing the concerns, and be signed and dated. All records must then be passed onto the DLP for secure storage and appropriate action.

Note: The reporter and DLP may subsequently be invited to attend a child protection conference or any proceedings where the matter is being assessed by TUSLA and/or being investigated by An Garda Síochana as to whether a crime may have been committed.

4. Mandated Persons

Reporting mandated concerns of harm

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 10 of this document.

Under the Children First Act 2015, 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 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 Helium Arts maintains a list of mandated persons on the staff, if applicable.

Note: Staff who are mandated persons under this Act should be made aware of their responsibilities at the start of their employment or engagement with Helium Arts.

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.

The Children First Act 2015 requires that mandated persons 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:

- a) “assault, ill treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or
- b) sexual abuse of the child,

Whether caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances, or otherwise.”

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 -

- a) has been harmed.
- b) is being harmed, or
- c) 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 First 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 -

- a) has been harmed.
- b) is being harmed, or
- c) 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)

Note:

- It will be best practice within Helium Arts that mandated reports when made are brought to the attention of the Designated Liaison Person.
- 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.
- Mandated persons can make a joint report with the Designated Liaison Person or another person, mandated or otherwise.
- If Helium Arts or the DLP do not wish to report to Tusla, the mandated person should still proceed with the report if the defined threshold for reporting has been met or exceeded. In this case the provisions of the Protection for Persons Reporting Child Abuse Act 1998 apply.
- If the mandated person has a concern that they believe does not reach the threshold for a mandated report, they must consider whether the concern meets reasonable grounds

for concern. The concern will then be reported to the DLP if the mandated person is of the view that reasonable grounds for concern exist.

- If a mandated person is in doubt as to whether the concern reaches the legal definition of harm for making a mandated report, the Tusla duty social work service can be approached to give advice in this regard. The decision to report remains the individual responsibility of the mandated person. Any advice received must be recorded on the confidential file which will have been created by the DLP.
- Mandated persons who receive a disclosure of harm from a child that meets or exceeds the thresholds set out in Children First: National Guidance for the Protection and Welfare of Children 2017 are required to make a mandated report to Tusla. It is not required of the mandated person that they would assess the accuracy or credibility of the child's claims.
- As noted previously in this document, under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If the mandated person is of the view that the child is in immediate danger and Tusla cannot be contacted, An Garda Síochana should be contacted. A mandated report should then be made to Tusla on the next working day by the mandated person.
- The same concern should not be reported more than once. If, however, additional information comes to the attention of the mandated person in respect of the reported concern, this should be considered and forwarded to Tusla without undue delay in the form of a further report.
- The legal obligation to report under the Children First Act 2015 applies only to information that a mandated person acquires in the course of their professional work or employment. It does not apply to information acquired outside of their employment, or information given to them in respect of a personal rather than a professional relationship.
- Reporting requirements under the Children First Act 2015 only apply to information that a mandated person has received or become aware of since the Act came into force, irrespective of whether the harm occurred before or after the commencement of the section related to mandated reporting. However, reasonable concerns about past abuse where information came to the notice of the professional prior to the Act where there is a possible *continuing risk* to children can be reported to Tusla under Children First: National Guidance for the Protection and Welfare of Children 2017.
- Mandated persons cannot report a concern anonymously, and if they do so they are not in compliance with their obligations under the Children First Act.

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 by the National Vetting Bureau.

Note:

- Helium Arts may consider a failure to report a child protection or welfare concern as a disciplinary matter for a member of staff.
- 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.

Mandated Assisting

As noted earlier, the Children First Act 2015 also 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 deemed necessary and proportionate, with a view to assisting Tusla in assessing the risk to a child 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 Data Protection Acts of 1998 - 2018 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. 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.

Note:

As noted above, 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.

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.'

5. Confidentiality

Helium Arts is committed to protecting a person's right to confidentiality.

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

- Where child protection and/or welfare concerns arise, to share personal information on a 'need to know' basis, in the best interests of the child, with the relevant statutory authorities and the parents/guardians. Such sharing may require attendance at formal meetings organised by Tusla, e.g., child protection conferences or strategy meetings.
- Not to give undertakings regarding secrecy. Those staff members engaged with or in contact with children should make this clear to parents/ guardians and the children themselves.
- To provide information on a proportionate basis to the statutory agencies necessary for the protection of a child.
- To advise children and parents/guardians that personal information is being shared, unless it is the considered opinion that doing so could put the child at further risk or may place the reporter at risk or such contact could interfere with a criminal investigation by An Garda Síochana or an assessment by Tusla.
- To retain records generated in respect of child protection and welfare concerns in accordance with Data Protection legislation, in a secure setting, managed by the DLP.
- To respond to breaches by staff in respect of the sharing of confidential information that is not related to child protection or welfare concerns, which may be regarded as a disciplinary matter.

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.

6. Safe Recruitment

Helium Arts will take all necessary steps to ensure that people working with children on Helium Arts' programmes are suitable and appropriately qualified. Recruitment and selection procedures are therefore necessary and these procedures apply to all persons recruited including those with substantial access to children.

Safe recruitment requires that Helium Arts 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 Helium Arts 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 Helium Arts are inclusive and treat all applicants as having equal status.

Recruitment of Staff

The following procedures will apply to the appointment of staff:

- The relevant interview process, including two reference requests, will be completed by Helium Arts. Interviews should be undertaken by at least two representatives of the organisation who are suitably qualified and/or have proven experience to undertake such interviews. This process will include a declaration relating to there being no reason why a person would be considered unsuitable to work with or near children and/or vulnerable persons. This declaration should also be in place for adult volunteers, interns and contracted persons.
- The successful applicant will be offered employment, post interview, subject to:
 - Appropriate suitable references
 - Completed relevant interview scoring sheet
 - Signing relevant employment contract of employment
 - Where applicable, proof of qualifications
 - Appropriate Garda vetting, where applicable
 - Positive proof of identification

Note:

- Employment contracts are written so as to include an employment probationary period.
- Newly employed staff members are required to agree to the terms and conditions of employment, as well as explicit acknowledgement of the Policy and Procedures including the Child Safeguarding Statement, and all codes and policies, as outlined in the Staff Handbook.
- Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with its provisions.

- In terms of other persons providing a relevant service as a partner from a third-party organisation, that body is responsible for the Garda vetting of their relevant personnel. If the service provider or volunteer is not associated with a body registered with the National Vetting Bureau for Garda vetting, it may not be possible for Helium Arts to allow their engagement with children-only relevant activities. They may however provide or be involved with activities to groups where the presence of children is incidental to the presence of people in general.

Recruitment of Volunteers

For adult volunteers and interns, a statement of suitability to work with children and or vulnerable persons must be secured in respect of each individual person as well as Garda vetting.

As part of their induction, all new volunteers receive briefings in respect of the policies contained within the staff and volunteer handbooks, and the safeguarding children policy and procedures. In addition all volunteers are required to complete the Tusla Children First E-learning module.

7. Supervision of Staff

All staff are subject to formal and informal reviews, evaluation and supervision. These are positive actions in place to provide the opportunity to discuss work, review practice and progress and to plan for future development. It also helps maintain best practice and safeguards the children taking part in events with Helium Arts. This supervision can take various forms, depending on the individual and the activities being carried out:

- Staff members meet informally and formally with their line managers on a regular basis. They also have a formal annual review with their line manager and the CEO.
- Contractors will be supervised by Helium Arts staff through planning meetings, sign-off processes, observations of activities, debriefs and evaluations.
- Generally, no member of staff should be left alone with children without the presence of another member of staff or the children's parents/guardians.
- Volunteers will be supervised and supported by staff members.

8. Safeguarding Children Training Plan

Helium Arts commits to the following actions in respect of training staff in respect of safeguarding children:

- All post holders within the safeguarding children structure will receive training commensurate with their roles.
- The induction programme for all Helium Arts staff will include a briefing in respect of the Helium Arts Policy and Procedures for the Protection and Safeguarding of Children 2022 plus completion of the Tusla E-learning Children First module. The DLP has the responsibility for ensuring that this is actioned.
- All Helium Arts staff and board members will be facilitated to access the Tusla Children First E-learning module in 2022.
- A training needs analysis in respect of safeguarding children training needs for all staff will be initiated with a view to completion by the end of September 2022. This will inform and help to frame any future training plans.
- That an annual safeguarding children training plan will be in place from September 2022.
- All training and guideline documents will be regularly reviewed and updated as appropriate and all staff and board members will be informed of these updates.

9. Safeguarding Children Communications Plan

Helium Arts commits to the following actions to ensure that staff and the general public are aware of the company's commitment to safeguarding children:

- The child safeguarding statement and the Policy and Procedures for the Protection and Safeguarding of Children will be placed on the Helium Arts website.
- All Helium Arts locations will display a child safeguarding notice that references 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, staff to advise Helium Arts as to whether the safeguarding children communication process is working.

10. Online Safety and Social Media

Information technology, of some form or another, is now an integral part of the lives of most children. If, however, 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 for Helium Arts staff to 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.
- Be aware of the signs of online abuse and harm.
- Respond to any concerns immediately and follow Helium Arts procedures for reporting child protection or welfare concerns.
- Ensure that in any employees' or volunteers' 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 consent in advance.
- A Helium Arts mobile phone or tablet must be used if work-related communication with a young person is essential.
- Any such communication with a child should include a reference for the young person to unsubscribe to any further communications.
- Ensure that parental controls are on all Helium Arts devices that children may access.
- Ensure that if young people are provided with access to live stream within a Helium Arts location, this can only be done in an open area that can be supervised by staff and with the prior consent of a parent/guardian.

Use of Images

- Informed consent is sought for the use of any images/videos of children taking part in workshops/events or images/videos of their work. All data is stored in compliance with GDPR. In the case of hospital-based projects, it is Helium Arts' policy to work in consultation with each hospital to agree a procedure on consent around the use of images.
- Images of a child will not be used for any reason without the consent of the parent/carer. (However Helium Arts cannot guarantee that cameras/videos will not be used at public performances.)

- Procedures will be put in place in relation to the use of images of children/ young people.
- Procedures will also be put in place for the recording and storing of information in line with Helium Arts confidentiality policy and data protection.

Photography and Children

The following guidelines are to be followed by staff, in respect of photography and children:

- If Helium Arts wishes to use an identifiable photograph of a child for promotional publicity, then written permission must be sought from the parents/guardians via the media consent form (**Appendix 14**).
- Photographs of children at Helium Arts facilities will not be taken by staff using their own cameras, except for specific authorised official reasons.
- Photographing of persons is not permitted within a Helium Arts location unless a request is made to and approved by the Programme and Operations Manager. A form should be filled out by any person wishing to take photographs, detailing the photographers' name, contact details, membership of photography association (if relevant) and reasons for photographs being taken.
- Professional photographs for official events should have an appropriate accreditation, which must be provided to the Programme and Operations Manager in advance of the event.
- The names of children whose photographs are used for promotional activity will not be made public without parental permission via a consent form.
- Inappropriate use of children's images by staff will be reported to the DLP and may be considered a breach of the code of behaviour.
- Where possible, Helium Arts aims to use professional models or illustrations when promoting an activity and will avoid the use of identifiable photographs of children. This will also include the Helium Arts website and social media. The content of any photographs must focus on the activity not on a particular child.
- The use of a phone's camera function in Helium Arts changing rooms or toilet facilities is prohibited.

Remote Working with Children

Remote working with children was introduced during the pandemic and subsequent lock downs in 2020 through to 2022. At the request of families who may not be able to travel to access our services, it has now been established as part of our range of service delivery options.

The following additional guidance has been developed for practitioners involved in this service delivery:

- No transition to remote working will be made without supervisor support and agreement.
- Any online work must be conducted in a safe, private and confidential therapeutic space in a room free of distractions, noise or intrusion.
- Ensure there are no personal details in the background when the online link is in operation.
- Ensure the device is functioning before the session starts.
- Working online may require increased concentration from the artist.
- If you have concerns re levels of risk, conduct sessions during working hours so that other services can be reached if required.
- Ensure that the appropriate consents have been secured before the sessions begin, particularly in respect of the sessions being online.
- Agreements or contracts with children and /or their parents may need to be amended to cover remote working.
- As with face-to-face work, ensure that you are linked with the network around the child and be clear on your responsibility to report any safeguarding concerns.
- Be aware that approaches that would be used face-to-face may not automatically translate to online working.

11. General Health and Safety Considerations

General health and safety considerations for children accessing Helium Arts facilities include:

- Obligations under the Employment Equality Acts (1998 - 2011) and Equal Status Acts (2000 - 2012) must be taken into consideration. In providing services, 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.
- Helium Arts must ensure there is compliance with the requirements of the relevant fire certificates and any recommendations or requirements of the fire authority and the facilities' insurers.
- Helium Arts must ensure that there is awareness of each Helium Arts location's first aid arrangements.
- Helium Arts must ensure there is an awareness of the emergency evacuation procedures relevant to each location and ensure that children are also aware of what to do if there is an emergency.

Helium Arts Designated Liaison Person and Deputy are the following:

Designated Liaison Person

Mitzi D'Alton
Programme and Operations
Manager

mitzi@helium.ie
Phone: 86 069 5050

Deputy Liaison Person

Helene Hugel
CEO / Artistic Director

helene@Helium Arts.ie
Phone: 087 780 9887

12. Appendices

Appendix 1: Child Safeguarding Statement

Helium Arts Child Safeguarding Statement

This Child Safeguarding Statement is in compliance with the requirements of the Children First Act 2015 and of Children First National Guidelines for the Protection and Welfare of Children 2017. The statement sets out the services being provided by and the principles and procedures that are in place to ensure, as far as practicable, that a child availing of, or in contact with, Helium Arts is safe from abuse or harm. This statement includes an assessment of risk of “harm” to a child while attending or in contact with Helium Arts. Procedures to manage such risks are specified.

This document has been developed with reference to the following:

Children First Act 2015

“Children First National Guidelines for the Protection and Welfare of Children” DYCA 2017

“Guidance on Developing a Child Safeguarding Statement” (tusla.ie)

“What is a risk assessment?” (tusla.ie)

Legal Framework

Section 11(3) of the Children First Act 2015 states that a “child safeguarding statement **shall** include a written assessment of the risk and, in that regard, specify the procedures that are in place:

- a) To manage any risks identified,
- b) In respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service,
- c) For the selection or recruitment of any person as a member of staff of the provider with regard to that person’s suitability to work with children,
- d) For the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm,
- e) For reporting to the Agency (TUSLA, Child and Family Agency) by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this act or the guidelines issued by the Minister under Section 6 (Children First National Guidelines, 2017),

- f) For maintaining a list of persons (if any) of the relevant service who are mandated persons, and
- g) For appointing a relevant person for the purposes of this part of the Act.

The relevant person for Helium Arts is Mitzi D’Alton, Programme and Operations Manager.

Named Person

Children First national guidance states that providers of relevant services should appoint a named person to lead the implementation of guiding principles and child safeguarding procedures. This person is also responsible for ensuring that the policies and procedures are aligned with best practice as set out in Children First national guidance 2017.

The named person for Helium Arts is Helene Hugel , CEO

Name of Service and location

Helium Arts is based in Mullingar, Westmeath and delivers services nationwide.

Nature of Service Provided

Approximately 120,000 children in Ireland live with long-term health conditions which can bring daily social and emotional challenges.

Helium Arts is the national children’s arts and health charity and social enterprise focussed on responding to these children, based in Mullingar, County Westmeath and operating nationwide.

Our mission is to “empower children living with illness through their creativity and the arts, inspiring those who care for them and supporting creative healthy environments.”

Our vision is that all children with health conditions in Ireland are connected to their creative powers so they can live life to the full.

Helium Arts provides arts activities, which promote wellbeing and creative development, countering social isolation and the negative effects of living with long-term health conditions. In delivering our services, we bring arts, creativity and play to children and young people in hospitals, communities and healthcare settings across Ireland.

We are a child-centred organisation that places children at the centre of our work. We are committed to safeguarding children, and their safety and wellbeing is the responsibility of everyone working or volunteering with Helium Arts. We value a child’s right to a quality childhood, regardless of the state of their health. We respect the individuality and autonomy of older children and teenagers and are attentive to their different needs.

Services

Helium Arts delivers services nationwide in a variety of settings through our Creative Health Programme with regional centres in Limerick, Galway, and Cork.

- Hospital Outpatient Programme
- Community Programme
 - One-day taster workshops
 - Activity camps
 - Weekly workshops
- Remote Programme

In all locations our services are delivered by arts professionals and volunteers supported by health professionals.

Principles to Safeguard Children

Helium Arts is committed to a child centred approach in the provision of services and the use of its facilities by all persons under 18 years. Helium Arts are committed to the following principles in safeguarding children/young people and maintaining child centred relevant services:

- The safety and welfare of children/young people is everyone's responsibility.
- The promotion of the welfare, health and safety of children is paramount.
- Children/young people attending Helium Arts and using the facilities are to be respected as individuals and encouraged to reach their potential.
- Children/young people raising welfare or abuse concerns will be treated equally and listened to by staff.
- Any identified welfare or protection concern of a child that becomes known to Helium Arts staff will be managed appropriately by the body. The response will be in compliance with best practice as set out in Children First 2017 and will adhere to Helium Arts's Policy and Procedures for the Protection and Safeguarding of Children 2022.
- All staff and contracted artists have a copy of Helium Arts' Child Protection Policy and Procedures, and have signed a declaration that they are familiar with the procedures contained within it.
- Safe management procedures are in place for all staff, covering in particular recruitment, Garda vetting and a person's suitability to work with children.
- Designated liaison persons and mandated persons in respect of child safeguarding are identified, trained and are known to all staff members and volunteers.
- Safe procedures are in place and implemented to respond to an allegation of abuse of a child against a staff member.
- Procedures are in place to respond to an allegation of abuse of a child by another child.
- All children engaging with Helium Arts' activities will have parental consent to do so.

- Informed consent is sought for the use of any images/videos of children taking part in workshops/events or images/videos of their work. All data is stored in compliance with GDPR. In the case of hospital-based projects, it is Helium's policy to work in consultation with each hospital to agree procedures on consent around the use of images.
- All programmes are developed in consultation with children, their parents, healthcare staff, and/or patient support groups.
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they are to be consulted and involved in all matters and decisions that may affect their lives.
- Parents/carers have a right to respect and should be consulted and involved in matters that concern their family.
- A specific safeguarding children training plan is in place to ensure that all staff are aware of their role in keeping children safe and to raise organisational awareness of this issue. All staff and contracted artists have been made aware of and are required to undertake HSE Children First online and Túsla online Children First training.
- Helium Arts has developed and is maintaining clear and secure record keeping procedures in respect of child welfare and protection concerns. Such records will be retained by the Designated Liaison Person.
- A code of behaviour is in place for staff that sets out their responsibilities in interacting with children and young people.
- A code of behaviour is in place that outlines the responsibilities of children and young people in their interactions with each other and adults whilst attending Helium Arts events.
- Helium Arts recognises the importance of multi-agency working in keeping children safe and on that basis working relationships have been developed with the relevant statutory agencies, e.g. An Garda Síochana and Tusla.
- Helium Arts will not knowingly engage with any person or organisation or fund any project that poses a risk to children or that does not meet the child protection safeguards outlined in the Children First Act 2015 and the National Guidance 2017.
- Helium Arts recognises that when organisations are working together there may be a risk of confusion about to whom incidents of suspected child protection or welfare concerns should be reported and who is responsible for reporting such concerns to the statutory authorities. It is Helium Arts' position that their Child Safeguarding Statement, Policy and Procedures apply to all activity that it is delivering unless amended by prior agreement with another body. This will be clearly communicated and agreed as part of the contract signed with any partner organisation with whom Helium Arts collaborates.
- When Helium Arts is delivering activity in other venues or locations with existing child safeguarding policies, Helium Arts' Designated Liaison Person will seek confirmation

of the policies and procedures and agree with the venue on the reporting process to be followed in the event of concerns or incidents resulting from these activities. This agreement must be in place before the activity takes place. The activity should not take place if Helium Arts has any concerns with the venue's policies and procedures. Helium Arts' staff will be expected to follow Helium Arts' reporting procedures and report concerns to the Helium Arts' Designated Liaison Person, who will then liaise as necessary with the venue or partner.

- This statement and the associated policy and procedures will be reviewed at a minimum of every two years.

Safeguarding Children Risk Assessment

Helium Arts has carried out an assessment of any potential for harm to a child while availing of our services. The Policy and Procedures for the Protection and Safeguarding of Children 2022 identifies procedures to follow to mitigate risks that may present.

The table below sets out the identified risks to the safety of children and young people, involved with or in contact with Helium Arts services and the steps taken to minimise the risk of harm. These risks are relevant to Helium Arts services. **This is an updated and revised version of the previous risk assessment.**

The risk rating rationale is as follows:

L-Low - Such risks are mitigated and are in direct control of Helium Arts and can be monitored and controlled effectively on an ongoing basis.

M-Medium - While the risk is mitigated and policies and procedures are in place, the risk may not be in direct control of Helium Arts entirely and reliance on other third parties may be required and demonstrable for control measures to be fully effective. There may also be a delay in the implementation of the mitigating action, which increases the risk rating from low to medium.

H-High - While the risk may have control measures in place and supported by policies and procedures, the risk is still vulnerable and the likelihood for an occurrence is high.

Responsibility is placed on relevant services contracted by Helium Arts, in contact with children, to manage the risk issues relevant to them and to take steps to minimise the risk of harm.

Potential risk/harm to children identified	Rate L,M,H	Current controls- procedure in place to manage risk identified	Future actions required and/or time frame
1) A named person is not appointed to ensure implementation of the Act (Children First Act 2105)	L	A named person has been identified. The details of this person are known to all staff and board members.	Ensure the named person is aware of their responsibilities and that they provide 6 monthly reports to the management team and governance committee on implementation and compliance with the Children First Act and the Children First national guidance
2) A declaration of guiding principles in safeguarding is not in place	L	The guiding principles for safeguarding children are contained within the Helium Arts Child Safeguarding Statement and within the Helium Arts Policy and Procedures for the Protection and Safeguarding of Children	See statement
3) Key child safeguarding personnel are not in place, including designated liaison persons (DLP) and mandated persons	L	Designated Liaison Person and Deputy Designated Liaison Person are in place and are known to all staff and board members.	In place
4) Contact details for DLPs and mandated persons are not known	L	Contact details for DLPs and mandated persons are within the Helium Arts policy and procedures document and online on the Helium Arts website under Safeguarding Children.	In place
5) DLP roles are not clearly understood by all staff	L	All staff have received briefing information in respect of the role and function of DLPs as part of the Children First training.	By end of Q 1 2023
6) Mandated persons' roles are not clearly understood by all staff	L	All staff and relevant others have received briefing information in respect of the role and function of the mandated persons.	By end of Q 1 2023
7) A procedure for maintaining a list of mandated persons is not in place	L	A procedure for maintaining a list of mandated persons is in place and is held by the named person responsible for leading the implementation of the Act	This is noted in the bi-yearly report.
8) Children First compliant procedures are not in place for reporting child protection or welfare concerns - allegations, suspicions, concerns or knowledge in respect of child abuse are not reported appropriately	L	A Helium Arts Policy and Procedures for the Protection and Safeguarding of Children document is in place which is Children First compliant. The revised document is Helium Arts Policy and Procedures for the Protection and Safeguarding of Children, 2022	Ensure this document continues to be appropriate to safeguarding children by initiating a review of the content at least every 2 years or earlier if there is a material change caused by revised national guidance or new legislation

9) All staff are not aware of the need to inform TUSLA if reasonable grounds for concern are deemed to exist in respect of a child	L	All staff and project partners are provided with the Child Safeguarding Policy. All staff are provided with training every two years to ensure they are equipped to deal with disclosures and to make referrals if required. All staff must complete the Tusla Children First E-Learning programme and any further training recommended by the HSE. Completion of the e-learning programme will be a requirement within future contracts for artists.	Training for staff every two years.
10) Children First compliant procedures are not in place for information sharing and recording all child protection or welfare concerns, including those which initially do not meet reasonable grounds for concern	L	Children First compliant procedures are in place for information sharing and recording all child protection or welfare concerns in respect of children and young people. This process is managed by the Designated Liaison person.	
11) A policy is not in place for responding to information requests on behalf of children / young people referenced in protection and welfare reports	L	A policy is in place for responding to information requests on behalf of children / young people referenced in protection and welfare reports.	
12) A clear policy on confidentiality is not in place	L	A policy in respect of confidentiality is in place.	
13) Guidance on responding to children who disclose abuse is not included in guiding principles and child safeguarding procedures.	L	Guidance is in place in Policy and Procedures for the Protection and Safeguarding Children 2022 on responding to children who disclose abuse.	
14) Clear procedures are not in place for responding to adult disclosures of childhood abuse where it is identified there may be a current risk to a child.	L	Procedures are in place in Helium Arts Policy and Procedures for responding to adult disclosures of childhood abuse where it is identified there may be a current risk to a child.	
15) Clear procedures are not in place for responding to allegations of child abuse against staff.	L	All staff are Garda Vetted before they begin work. All staff are familiar with the procedures to make a referral to the Designated Liaison Person. Internal disciplinary processes are in place where the issue concerns staff.	
16) There is not a written procedure for responding to allegations made against a child or young person who is in contact with the organisation.	L	This procedure is contained within the policy and procedures.	

17) A Protected Disclosures Policy is not in place for staff to report concerns externally if they are inhibited, for any reasons, in reporting a concern internally	L	As above	
18) A Children First compliant recruitment and selection procedure is not in place with regard to a person's suitability to work with children /young people	L	Safe recruitment procedures are in place.	
19) The organisation does not have a training strategy for child safeguarding training based on a training needs analysis	M	A training strategy for Child Safeguarding training is in place for Helium Arts	A training needs analysis in respect of child safeguarding will be completed by end of 2023
20) Child safeguarding training provided is not consistent with Children First national guidance 2017 and the Children First Act 2015	L	The Child Safeguarding training made available to staff members is consistent with Children First national guidance 2017 and the Children First Act 2015	
21) All staff have not received child safeguarding training relevant to their role in the organisation	M	By the end of 2023 all staff will have received Child Safeguarding Training relevant to their role in the organisation. This process will be tracked by the named person and the DLP.	Child Safeguarding Training will be a routine training offered to staff and embedded in the annual training plan.
22) A record of attendees of child safeguarding training is not held by the organisation	L	A record of attendees of Child Safeguarding training is held jointly by the named person and the DLP	
23) There are not policies and procedures in place to support the safe management of activities in involving children/young people	L	The Helium Arts Policy and Procedures document references procedures to support the safe management of activities involving children/young people. Health and Safety risk assessments are also completed prior to activities taking place	
24) An accident/incident procedure is not in place for children/young people	L	Reference Helium Arts Policy and Procedures document and the staff handbook	
25) There is not a code of behaviour in place for staff and contracted persons which specifies acceptable and unacceptable practice with regard to interacting/working with children/young people	L	Reference Helium Arts Policy and Procedures document and the staff handbook	

26) There is not a code of behaviour in place for children/young people, in contact with Helium Arts services, which states their roles and responsibilities in encouraging positive behaviour	L	Reference Helium Arts Policy and Procedures document.	
27) The responsibility for all staff to report concerns that they may have about a colleague's practice with children /young people is not clearly stated in policy	L	Reference Helium Arts Policy and Procedures document	
28) A disciplinary procedure is not in place	L	Disciplinary and Grievance procedure in place. Reference staff handbook	
29) A procedure to provide a copy of the child safeguarding policy declaration to parents/guardians upon request is not in place	L	This procedure is in place	
30) Children and young people have not been made aware of their right to be protected, consulted and treated with respect	M	Children and young people have been made aware of their right to be protected, consulted and treated with respect.	Child friendly information is being drafted.
31) An anti-bullying policy in respect of children and young people has not been developed	L	An anti -bullying policy in respect of children and young people has been developed and is referenced within the Helium Arts Policy and Procedures	
32) A communications policy in respect of Child Safeguarding has not been developed	L	A communications policy in respect of Child Safeguarding is in place.	
33) A policy for working in partnership with parents/guardians has not been developed	L	A policy for working in partnership with parents/guardians has been developed.	
34) A complaints policy is not in place	L	A complaints policy is in place	
35) A child safeguarding plan is not in place to ensure implementation, monitoring and review of the guiding principles and child safeguarding procedures	M	A three-year Child Safeguarding plan is being developed and led by the named person.	Plan is being actioned and assessed throughout 2023.

36) Risk of harm due to the use of unauthorised photography	L	A code of conduct is drawn up, collaboratively, by staff and participants at the start of each workshop. Consent forms are signed by parents for the use of images/information in keeping with our Data Protection Policy. Use of mobile phones/cameras/ video/posting on social media will be strictly monitored during workshops and only used within the context of the workshop itself.	
37)Risk of harm from bullying.	L	Bullying of any kind will not be tolerated and will feature prominently in the code of conduct, drawn up collaboratively at the start of each workshop. All staff have access to Helium Arts' anti-bullying policy and the volunteer or employee handbook.	
38) Risk of harm on outings	L	Because of the nature of our work with seriously ill children, we have a medic available at all times. Our workshops usually take place in hospitals or community venues. In the event of outings we work as if onsite ensuring:- Adequate supervision and ratio of adults to children, Welcoming and encouraging parents to take part Written parental consent Adequate insurance for activities Stringent recording of any allergies; medical conditions or special needs Presence of a medic as onsite First aid kit on site. Safe transport in suitable vehicle	
39)Risk of harm from visitors to our workshops.	L	All staff are Garda Vetted. We do not have unknown visitors to our workshops. Parents may be present but have completed the sign in sheet and application form including address and contact details.	
40) Child friendly safeguarding information is not available	M	This information will be in place by Mid 2023.	

Procedures

This Child Safeguarding Statement has been developed in compliance with the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children (2017) and Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice.

The following procedures support Helium Arts' intention to safeguard children and young people while they are availing of our services:

- Helium Arts Child Safeguarding Statement (June 2022)
- Helium Arts Child Safeguarding Risk Assessment and Plan (June 2022)
- Helium Arts Policy & Procedures for the Protection and Safeguarding of Children (June 2022)
- Helium Arts Employee Handbook
- Helium Arts Volunteer Policy
- Helium Arts Volunteer Handbook
- Helium Arts guidance re confidentiality
- Helium Arts anti-bullying policy and guidance
- Helium Arts online media guidance for children and young people
- Helium Arts human resources safe recruitment procedures, including national Garda vetting procedures
- Helium Arts data protection policy
- Helium Arts health and safety policy
- Helium Arts code of behaviour for staff with regard to their interactions with children and young people
- Helium Arts code of behaviour for children and young people for when they are attending Helium Arts services and facilities
- Helium Arts feedback and complaints policy 2021
- Helium Arts protected disclosures policy
- Helium Arts grievance and disciplinary policy
- Helium Arts Safeguarding Children Training Strategy and Action Plan 2022
- Helium Arts Safeguarding Children Communication Plan 2022

All procedures and policies listed above are available on request or on the Helium Arts website, www.helium.ie

Implementation

This Child Safeguarding Statement has now been provided to all staff, contractors and agencies linked with Helium Arts.

On request it will be provided to a parent/guardian(primary carer) of a child availing of the relevant services or activities or to TUSLA, child and family agency. This statement is also available on line on the Helium Arts website: www.helium.ie

Helium Arts is committed to the implementation of this child safeguarding statement and to the policies and procedures that will support our intention to keep children (under 18 years) safe from abuse or harm, as far as practicable, while attending our services.

This child safeguarding statement will be reviewed no later than July 1st 2024 or as soon as practicable if there has been a material change in any matter to which this statement refers.

Signed: _____  _____ on behalf of Helium Arts.

Name: Helene Hugel, CEO / Artistic Director

Date: June 18, 2022

For queries, please contact:

Helene Hugel, CEO/Artistic Director/ Named Person
Helium Arts, 22 Pearse Street, Mullingar, Co. Westmeath
044 - 9396960 helene@Helium.ie

www.helium.ie

Appendix 2: Glossary of Terms

Age of Consent: The age of consent is 17 years. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.

Agency: In the Children First Act, 2015 “agency” means the Child and Family Agency (Tusla).

An Garda Síochana: It is the responsibility of An Garda Síochana to investigate if a crime has been committed with regard to child protection and welfare concerns. They will liaise with the Designated Liaison Person/s in respect of child protection and welfare concerns, as appropriate.

Assault: see physical abuse

Authorised Persons: Those who have been appointed within Tusla, under the requirements of the Children First Act 2015. They have a responsibility to receive reports under Section 14 of the Act and to ensure an acknowledgement of receipt is sent to the mandated person or other persons who made the report.

Child: A person who has not attained 18 years of age, excluding a person who is or has been married (Note from 1.1.19, under the Domestic Violence Act 2018, a person under the age of 18 can no longer apply to the Circuit Courts for permission to marry. However, a person may get married if permission was granted before 1.1.19 or an application was made before 1.1.19 and permission was granted afterwards).

Child Abuse: Where the words “child abuse” are used in these procedures they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined in Chapter 2 of Children First: National Guidance for the Protection and Welfare of Children 2017.

Child Protection: Child protection focuses on one aspect of safeguarding: the protection of a child who has suffered from, is suffering from, or has the potential to suffer from harm. Child protection requires staff to **recognise, respond, report** and **record** such concerns.

Child Safeguarding Statement: A Child Safeguarding Statement is a statement prepared in accordance with section 11 of the Children First Act, 2015.

Designated and Deputy Designated Liaison Persons: The Designated Liaison Person (DLP) liaises with the relevant statutory agencies responsible for child protection and welfare and is the resource person to staff members who have child protection and welfare concerns. This person has the responsibility to ensure that the reporting procedure within Helium Arts is followed so that suspected cases of child abuse or neglect, where reasonable grounds for concern exist, are referred without undue delay to Tusla or, in an emergency and the unavailability of Tusla, to An Garda Síochana. In the event that the Designated Liaison Person is unavailable, a Deputy Designated Liaison Person with delegated responsibility has been appointed by Helium Arts.

Digital Age of Consent: The digital age of consent is 16 years.

Emotional Abuse: the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

Employee: A full-time or part-time member of staff of Helium Arts.

Harm: Harm in relation to a child has the meaning assigned to it under Section 2 of the Children First Act, 2015,

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

Mandated Persons: A mandated person is a person specified in Schedule 2 of the Children First Act, 2015. The Act contains a list of classes of mandated persons (**Appendix 10**). Under this Act, mandated persons have a statutory obligation to report concerns that meet or exceed a particular threshold and to cooperate with Tusla in the assessment of such mandated reports, where requested to do so.

Named Person: In Helium Arts there is a named person nominated to this role. This person is responsible for implementing and maintaining compliance with Children First both from the perspective of the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017. This person will also take a lead in ensuring the review of the Helium Arts Policy and Procedures for the Protection and Safeguarding of Children occurs within the agreed timeframe.

The named person for Helium Arts is **Helene Hugel, CEO/ Artistic Director.**

Neglect: In relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.

Parent: Parent here includes a foster parent, a legal guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.

Physical Abuse: Deliberate physical hurt to a child or action/s that puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child’s health and/ or development is, may be, or has been affected as a result of suspected physical abuse.

Provider: Provider has the meaning assigned to it under section 8 of the Children First Act, 2015.

Reasonable Grounds for Concern: Reasonable grounds for concern exist when a person has a view that a child may have been, is being, or is at risk of being abused or neglected. Such concerns shall be supported by evidence or indicators of abuse.

Relevant Person: Relevant person has the meaning assigned to it under section 8 of the Children First Act, 2015 and is a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's child safeguarding statement.

The relevant person for Helium Arts is **Mitzi D'Alton, Programme and Operations Manager**

Relevant Service: Relevant service means any work or activities specified in Schedule 1 of the Children First Act, 2015.

Responsible Adult:

This is a person of or above the age of 18 years who, in relation to a person under the age of 18 years (the child/young person), belongs to one of the following classes of persons:

- (a) parent , step-parent or guardian of the child, or
- (b) a person who, for the time being, has parental rights, duties and responsibilities for the child.

Risk Assessment: Risk assessment as used in the Children First Act, 2015 means an assessment of any potential for harm to a child while availing of the provider's service.

Safeguarding: Safeguarding children involves creating and maintaining safe environments for children by:

- Protecting children/young persons from harm, abuse and neglect
- Ensuring children have access to the care and support they need
- Enabling safe and effective care by families and other carers
- Enabling children to achieve the best outcomes

Scheduled Offence: an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

Sexual Abuse: In relation to a child

- a) an offence against the child, specified in Schedule 3 of the Children First Act 2015,
- b) wilful exposure of the child to pornography, or
- c) wilful sexual activity in the presence of the child.

Staff: For the purposes of this document the use of the word staff will cover permanent employees, contracted persons, volunteers, interns and agency staff.

Tusla: Tusla is the lead statutory organisation for safeguarding children in the Republic of Ireland, and as such it has the responsibility to promote the welfare of children in Ireland who

are not receiving adequate care and protection. Tusla will liaise with the Designated Liaison Person/s particularly in respect of reports of child protection and welfare concerns from Helium Arts relating to children.

Volunteer: A person who undertakes any activity that involves spending unpaid time doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.

Welfare concern: A child welfare concern experienced directly by a child ,or by the family of a child, that is seen to impact negatively on the child's health ,development and welfare and that warrants assessment and support, but may not require a child protection response.

Appendix 3: Relevant Legislation and Guidance

Relevant Legislation

Child Care Act 1991

Under this act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for receiving children into care, if necessary.

Non Fatal Offences Against The Person Act 1997

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. Generally speaking, the act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the Children First Act. It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, and accordingly information on such an offence must be notified to An Garda Síochána.

Protections for Persons Reporting Child Abuse Act 1998

This act protects people who make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the chief executive officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection means that even if a person reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that they had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of an Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

A full list of persons in Tusla and the HSE, who are designated officers under the 1998 Act, can be found on the website of each agency (www.tusla.ie and www.hse.ie).

Criminal Justice Act 2006

Reckless Endangerment

Section 176 of this act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or an abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

Under this act, 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 he or she has 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.

The provisions of the withholding legislation are in addition to any reporting requirements under the Children First Act 2015. Accordingly, it is very important to note that -

- The fact that a member of staff of Helium Arts has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the Children First Act, 2015 does not absolve that person of his or her statutory obligation to disclose information to an Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 where that person has information that falls within the scope of that act **or**
- The fact that a member of staff of Helium Arts has disclosed information to An Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of the Children First Act, 2015.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016

Under these acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable

adults. The acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

Children First Act 2015

This act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the Children First Act 2015 is contained in Appendix 7 of these procedures.

A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 10 of these procedures.

Through the provisions of the act, it is intended to:

- Raise awareness of child abuse and neglect or harm against a child;
- Provide for mandatory reporting of instances of harm by key professionals;
- Improve child safeguarding arrangements in organisations providing services to children; Provide for cooperation and information-sharing between agencies when Tusla - Child and Family Agency is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

Criminal Law (Sexual Offences) Act 2017

This act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity that may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

Freedom of Information Acts 1997, 2003 & 2014

Any reports which are made to Tusla may be subject to the provisions of the Freedom of Information Acts, which enable members of the public to obtain access to personal information relating to them that is in the possession of public bodies. However, the Freedom of Information Acts also provide that public bodies may refuse access to information obtained by them in confidence.

The exemptions and exclusions relevant to child protection include the following:

- (a) protecting records covered by legal professional privilege;

- (b) protecting records that would facilitate the commission of a crime;
- (c) protecting records that would reveal a confidential source of information.

Helium Arts notes that records forwarded to a public body by all members of Helium Arts and held by that body may be subject to the provisions of the Freedom of Information Acts.

The Data Protection Acts, 1998 and 2003

The data protection acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

GDPR (General Data Protection Regulation)

GDPR is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25th 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

National Guidance

**“Children First National Guidelines for the Protection and Welfare of Children”.
DYCA 2017**

Appendix 4: Recognising Child Protection and Welfare Concerns

Categories and Indicators of Abuse:

Types of child abuse and how they may be recognised

Child abuse can be categorised into four main types: *neglect, emotional abuse, physical abuse and sexual abuse.*

A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institution. The abuser may be known to the child or a stranger and can be an adult or another child.

In a situation where abuse is alleged to have been carried out by another child, it should be considered a child protection and welfare issue for both children, and child protection procedures should be adhered to for both the possible victim and the alleged abuser.

The important factor in determining whether behaviour constitutes abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/guardian.

The definitions of neglect and abuse presented in this appendix are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

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

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

Neglect, including serious neglect, may be apparent immediately and on the basis of one engagement. An example is a child who is seriously underweight (without a medical condition) and has persistent hair and skin infections from poor hygiene. This condition is not the result of a one-off lapse on the part of a parent.

Other forms of neglect may only emerge over time as a pattern emerges. For example, a child who suffers a series of ongoing minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child who consistently misses school may be being deprived of intellectual stimulation or adequate supervision.

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

The following are examples of child neglect:

- children being left alone without adequate care and supervision;
- malnourishment, lacking food, unsuitable food or erratic feeding;
- non-organic failure to thrive, such as, child not gaining weight due not only to malnutrition but also to emotional deprivation;
- failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation;
- inadequate living conditions - unhygienic conditions, environmental issues, including lack of appropriate heating and furniture;
- lack of adequate clothing;
- inattention to basic hygiene;
- lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age;
- persistent failure to attend school;
- abandonment or desertion.

Emotional Abuse/Ill Treatment

Emotional abuse/ill treatment is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

Once-off and occasional difficulties between a parent/guardian and child are not considered emotional abuse. Abuse occurs when a child'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 are unaware of and unable (for a range of reasons) to meet their children'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's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

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

- rejection;
- lack of comfort and love;
- lack of attachment;

- lack of proper stimulation (for example, fun and play);
- lack of continuity of care (for example, frequent moves, particularly unplanned);
- continuous lack of praise and encouragement;
- persistent criticism, sarcasm, hostility or blaming of the child;
- bullying;
- conditional parenting in which care or affection of a child is made contingent on his or her behaviours or actions;
- extreme over-protectiveness;
- inappropriate non-physical punishment (for example locking a child in a room)
- ongoing family conflicts and family violence;
- seriously inappropriate expectations of a child relative to his/her age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may 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 should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents.

A reasonable concern exists where the child's health and/or development is, may be or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;

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 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. There has been no change to the reporting requirements in relation to corporal punishment.

Sexual Abuse

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 (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may 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 sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse principally come to light through disclosure by the child or his or her siblings/friends; from the suspicions of an adult and/or by physical symptoms.

NOTE. It should be remembered that sexual activity involving a child or young person may be sexual abuse even if the child or young person concerned does not themselves recognise it as abuse.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in the act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and underage person
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography
 - Inviting or coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse

An Garda Síochána have the responsibility to investigate any criminal aspects of a sexual abuse case under the relevant criminal justice legislation and the prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount, and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal; however, it may not necessarily be regarded as child sexual abuse.

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression - whether it be verbal, psychological or physical - that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyber bullying, and damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. 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 can also be the victims of non-contact bullying, through mobile phones, the Internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable, such as disabled children or those with specific health needs. Children who have 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 may also be more vulnerable to bullying.

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

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards are required to have a code of conduct and an anti-bullying policy in place. School personnel should be aware of their school's anti-bullying policy and of the relevant procedural guidelines.

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 need to be made to Tusla and/or An Garda Síochána.

Complicating factors in child welfare and protection

The following are some of the complicating factors and circumstances that may make children more vulnerable to child protection and welfare concerns:

- o Age of child
- o Gender
- o Sexuality
- o Trafficked and/or exploited children
- o Children with communication difficulties
- o Children with mental health issues
- o Children with specific health issues
- o Children with disabilities
- o Domestic violence
- o Sexual violence
- o Adolescent parents
- o Parental mental health issues
- o Parental substance misuse
- o Parental intellectual disability
- o Unknown male partners and their history/association with the child's family
- o Families who are uncooperative or hard to engage
- o Poverty and social exclusion

Outside of the above child and parental factors, there may also be relevant community, environmental and motivational engagement factors with and for parents/guardians.

Examples of these may include:

- Housing issues
- Children who are out of home and not living with their parents
- Bullying
- Internet and social media concerns
- Non-attendance of children at appointments
- Parents/guardians avoiding contact with services and displaying a reluctance to work with services

NOTE:

It is important to remember that the identification of additional vulnerability to risk of abuse does not mean that a child in those circumstances or environment is being abused.

Appendix 5: Accident and Incident Policy

It is Helium Arts policy that all incidents once identified will be managed in accordance with the Helium Arts Accident and Incident Policy.

“It is our aim to promote the health, well-being and safety of all who come in contact with our service. We will achieve this through the implementation of robust policies and by developing and regularly reviewing fire safety and accident prevention procedures. Although we strive to adhere to all safety precautions and guidelines, it is noted that accidents may still occur”

This will ensure that:

- The health and safety of those affected is the primary focus of attention.
- Incidents are reported, investigated and acted on effectively and with the appropriate level of urgency.
- The safety and welfare of a child is always the first consideration if a child is injured or an accident occurs.
- We will ensure that all personnel are aware of emergency numbers and that they are prominently displayed.
- We will ensure that a named person acts as “safety officer” at each location/event.
- We will ensure that all relevant personnel have up to date first aid training and that a complete first aid box is accessible.
- After an accident, as soon as practicable, the accident [Report Form](#) is completed and recorded in the [Accident book/log](#) by the safety officer.
- The “safety officer” ensures that senior management are informed of serious accidents or incidents.
- Parents are always informed of incidents or accidents involving their child and requested to sign the relevant form.
- Senior management will review the accident and incident reports annually.

Appendix 6: Feedback and Complaints Policy

Document Creation and Review History			
Date:	Reviewed by:	Documented amended:	Next day for review
June 2014	1st Draft Created by Anna McCarthy	Created and adopted by the board as part of the Fundraising Principles	July 2015
August 2019	Anna McCarthy	Updated according to new guidelines	August 2020
June 2020	Helene Hugel	Updated to be Governance Code Compliant	June 2021

Mission Statement

“Helium Arts empowers children living with illness through their creativity and the arts, inspiring those who care for them and supporting creative healthy environments, while creating opportunities for artistic ambition and excellence”.

Vision

All children living with illness in Ireland are connected to their creative powers so they can live life to the full.

Helium Arts is committed to upholding our vision and living by our mission statement above, ensuring that all our communications and dealings with the public and our supporters are of the highest possible standard. We listen and respond to your views so that we can continue to improve our service.

If, however, you have feedback or a complaint:

We believe that it is important to hear both positive and negative feedback to ensure that we are upholding best practice in all areas of our work. If you would like to provide feedback, or have a complaint, please contact us by telephone or email, providing us with return contact details.

Your comment will reach Helene Hugel, Helium's CEO and Artistic Director, who will respond within five working days.

Email: helene@helium.ie

Telephone: +353 44 93 96 960

What happens next?

If your correspondence is in person or over the phone, we will try to resolve the issue there and then. Similarly, if you correspond by email or in writing we will always send an acknowledgement within seven days, and do everything we can to resolve any issue within 21 days. If this is not possible, we will explain why and provide a new deadline.

What if the issue is not resolved?

You may also get in touch again by writing to the Chair of Helium's Board of Directors. The Chair will ensure that your appeal is considered at board level and will respond within two weeks of consideration by board members.

Chairperson,
Helium Arts
22 Pearse St
Mullingar
Co. Westmeath N91 VYP0

Appendix 7: Schedule of Relevant Services

RELEVANT SERVICES

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (a) an establishment which provides early years services within the meaning of Part VIIA of the [Child Care Act 1991](#),
 - (b) a school or centre of education, both within the meaning of the [Education Act 1998](#),
 - (c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,
 - (d) a designated centre within the meaning of Section 2 of the [Health Act 2007](#), in so far as it relates to an institution at which residential services are provided in accordance with the [Child Care Act 1991](#) or to children with disabilities in relation to their disabilities,
 - (e) a special care unit provided and maintained in accordance with Section 23K of the [Child Care Act 1991](#),
 - (f) a children detention school within the meaning of Section 3 of the [Children Act 2001](#),
 - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the [Child Care Act 1991](#), the [Education Act 1998](#), the [Children Act 2001](#) or the [Health Act 2007](#).
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the [Ombudsman for Children Act 2002](#).
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life,

whether or not for commercial or any other consideration.

6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

Appendix 8: Protected Disclosures Policy

Helium Arts are committed to conducting business with honesty and integrity and we expect all staff to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

This policy covers all employees, officers, consultants, contractors, interns, casual workers and agency workers.

1. What is a protected disclosure?

Protected disclosure is the reporting of suspected wrongdoing or dangers in relation to our activities that comes to your attention in connection with your employment by or engagement with us. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

2. How to raise a concern

We hope that in many cases you will be able to raise any concerns in writing with your line manager. However, where you prefer not to raise it with your manager for any reason, you should contact the CEO or a member of the Board of Directors. We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

3. Confidentiality

We hope that staff will feel able to voice protected disclosure concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity anonymous and only reveal it where necessary to those involved in investigating your concern.

4. External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external.

5. Protection and support when submitting protected disclosures

We aim to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken. Anyone submitting a protected disclosure must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the CEO or if the disclosure relates to the

CEO you should inform the Chairperson of the Board of Directors immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure. You must not threaten or retaliate against anyone submitting a protected disclosure in any way. If you are involved in such conduct you may be subject to disciplinary action.

However, if we conclude that a person has made false disclosures, malicious attempts or purposeful false allegations by using the protected disclosure policy, they may be subject to disciplinary action.

Organisational Procedure for Protected Disclosure

In the event that such behaviour is reported to a line manager or member of the SMT team, Helium Arts follows the below procedure:

- The manager arranges a meeting with the employee face-to-face.
- The manager calmly listens to the report from the employee and explains the policy around Protected Disclosure.
- The employee is asked whether they wish to make an official report in writing as per the policy. The employee signs any report.
- The manager then thanks them and explains that we appreciate their concern for Helium's reputation.
- The line manager fills in an incident form giving details of the complaint; where you were when they told you; possible dates; names and phone numbers; possible witnesses and keep it with the report.
- The manager will take both reports to the Programme and Operations Manager, who will speak to the person and/read the report and take the incident to the CEO.
- The situation will be dealt with, and the employee will be informed of the general outcome.

Appendix 9: TúsLA Standard Report Form



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.
Fields marked with an * are mandatory.

1. Tusla Area (This is where the child resides)*	
---	--

2. Date of Report*	
---------------------------	--

3. Details of Child		Surname*	
First Name*			
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary.

Please see *Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns* for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

Child Welfare Concern	<input type="checkbox"/>		
Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>

6. Details of Reporter

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

Is this a Mandated Report made under Sec 14, Children First Act 2015?* Yes No

Mandated Person's Type

7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Is the Mother a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
-----------------------	--

Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

Any Other Relevant Information, Including any Previous Contact with the Child or Family

--

Please ensure you have indicated if this is a mandated report in section 6. Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of ‘Personal Data’ in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla’s responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by					
First Name		Surname		Date	
Mandated Report Acknowledgement by					
First Name		Surname		Date Sent	
Authorised Person Signature*					
Date*					
Child Previously Known		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated Case No					

Appendix 10: List of Mandated Persons

List of mandated persons as specified by Children First Act 2015

MANDATED PERSONS

The following classes of persons are specified as mandated persons for the purposes of this Act:

1. Registered medical practitioner within the meaning of Section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of Section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of Section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. 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.
9. 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.
10. 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).
11. Probation officer within the meaning of Section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian *ad litem* appointed in accordance with Section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;

- (b) manager of homeless provision or emergency accommodation facility;
- (c) manager of asylum seeker accommodation (direct provision) centre;
- (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
- (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
- (f) manager of a language school or other recreational school where children reside away from home;
- (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- (h) director of any institution where a child is detained by an order of a court;
- (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child protection and welfare function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- (k) person responsible for the care or management of a youth work service within the meaning of Section 2 of the Youth Work Act 2001.

16. Youth worker who—

- (a) 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
- (b) is employed in a youth work service within the meaning of Section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

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

Appendix 11: Working with Partners and Primary Carers

Primary Carers

On specific projects Helium Arts may work with primary carers (parents, carers or responsible adults), and are committed to cooperation and transparency with all. As a child-centred organisation, we are committed to putting the interest of the child first. To that end we will:

Undertake to:

- Operate child-centred policies in accordance with best practice
- Comply with health and safety practices
- Ensure as far as possible that the activities are age-appropriate
- Encourage and facilitate the involvement of parent(s), carer(s) or responsible adult(s), where appropriate
- Advise primary carers of our child protection and safeguarding children policy and procedures
- Inform primary carers and schools of all activities and potential risks (if any)
- Issue contact/consent forms where relevant
- Adhere to our recruitment guidelines
- Encourage primary carers to work in partnership with us under the guidelines set

If Helium Arts has concerns about the welfare of the child/young person, we will:

- Respond to the needs of the child or young person
- Inform the primary carers on an on-going basis unless this action puts the child or young person at further risk
- Where there are child protection and welfare concerns Helium Arts are obliged to report these to TUSLA and, in an emergency, the Gardaí or Police Service of Northern Ireland (PSNI)
- In the event of a complaint against a member of staff, we will immediately ensure the safety of the child and inform primary carers as appropriate.

Partners

Helium Arts often works in partnership with hospitals, health settings, and other community and voluntary organisations. In doing so, a partnership agreement is established in which we share and clarify Child Safeguarding procedures.

This involves:

- Providing the partner with a copy of the Helium Arts Child Safeguarding Policies and Procedures
- Requesting a copy of the partners Child Safeguarding Policies and Procedures
- Requesting that all Helium Arts staff working in the partner's venue are given training and induction in the partner's Child Safeguarding Procedures
- **If Helium Arts is the lead agency in any setting then it will be the responsibility of Helium Arts staff to report child protection or welfare concerns to Tusla if they arise. The designated persons of other partner agencies in the setting will be advised by Helium Arts of the notification or of the non notification as appropriate.**
- **If Helium Arts is not the lead agency in the setting then it needs to be clear in advance which agency's policy and procedures will be followed in the event of a child protection or welfare concern requiring a response.**

Appendix 12: Túsla Retrospective Reporting Form

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.

Fields marked with an * are mandatory.

1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*	
---	--

2. Date of report*	
---------------------------	--

3. Date information was received by reporter*	
--	--

4. Reporter details if third party*			
First name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position held	
		Mobile no.	
		Telephone no.	
Eircode		Email address	

Reporter's relationship to adult complainant	
---	--

Is this a mandated report made under Sec Children 14, Act 2015?*	First	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated person's type					

5. Details of other persons where a joint report is being made

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

6. Details of person disclosing abuse (adult complainant)*

First name		Surname	
Address		Female	<input type="checkbox"/>
		Male	<input type="checkbox"/>
		Date of birth	
		Estimated age	
Telephone No.		Previous address, if known	
Eircode			

7. Type of abuse being reported*

Emotional abuse	<input type="checkbox"/>	Physical abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual abuse	<input type="checkbox"/>

8. Details and description of alleged abuse*

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

Further detail (include, if known, age of adult complainant at time of abuse, age of PSAA at time of abuse). Please attach additional sheets if necessary.

--

9. Details of person subject to allegations of abuse (PSAA)

First name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Mobile no.	
		Telephone no.	
Eircode		Email address	
Occupation			

10. Details of PSAA's social and employment status

--

11. PSAA household composition

First name	Surname	Relationship	Date of birth	Estimated age	Additional information, e.g. school, occupation, etc.

12. Does the PSAA have contact with children?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
---	-----	--------------------------	----	--------------------------

If Yes, please complete information below. If No, proceed to 11.

Details of child			
First name		Surname	
Address		Mobile no.	
		Telephone no.	
		Email address	
		Date of birth	
Eircode		Age	
Parent/carers' names		Parent/carers' names	

Relationship to adult complainant		Relationship to PSAA	
Frequency of contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/> Unknown <input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

15. Based on information known at this time, has a report been made to An Garda Síochána?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Garda name:		Telephone no.		
Garda district:		Email:		
Address:		PULSE ID number:		
		Date notification made:		
Eircode		Date report made		

16. Is the PSAA aware of this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide further details:				

17. Any additional information	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide any further information that will assist Tusla in assessing and prioritising this report:				

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children.

Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána.

Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie.

As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

Please ensure you have indicated if this is a mandated report in section 2.

Thank you for completing the report form.

18. For completion by Tusla authorised person on receipt of report

Report received by			
First name		Surname	Date

Mandated report acknowledgement by			
First name		Surname	Date sent

Authorised person signature*	
Date*	

Child previously known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated case no				

Appendix 13: Media Consent Forms

Media consent for 16 years and over

Parent/Guardian Release Form for Media Recording

I, the undersigned, do hereby grant or deny permission to Helium Arts to use the image of my child (aged under 18 years), _____, as marked by my selection(s) below. Such use includes the display, distribution, publication, transmission, or otherwise use of photographs, images, and/or video taken of my child for use in materials that include, but may not be limited to, printed materials such as brochures and newsletters, videos, and digital images such as those on the Helium Arts website.

Deny permission to use my child's image at all.

Grant permission to use my child's image in the following ways (mark all that apply):

- I. Limited usage: I consent to my child's image being used within the Helium Arts setting only (not in the larger community).
- II. Limited usage: I consent to my child's image being used for educational materials only (not marketing). This could be either within Helium Arts or in the larger community.
- III. Unrestricted usage: I give unrestricted permission for my child's image to be used in print, video, and digital media. I agree that these images may be used by Helium Arts for a variety of purposes and that these images may be used without further notifying me. I do understand that the child's last name will not be used in conjunction with any video or digital images.

Parent/guardian/other signature _____ Date _____

Child's consent (if aged 16 years or over)

I consent to photographing or recording of my involvement in activities run by Helium Arts for use on the Helium Arts website, publications, media releases and associated social media channels. I understand that my consent may be withdrawn at any time.

Signed: _____ Date: _____

For completion by Helium Arts :

Recording Name/Subject: _____

Recording Type (e.g. Audio/Video): _____

Recording requested by: _____

Date: _____

WITHDRAWAL OF CONSENT

I can withdraw consent regarding the above use of my personal data at any time by emailing Helium Arts. I acknowledge and understand that this will not apply to material already published as Helium Arts cannot control such material.

In line with Data Protection regulations, Helium Arts is committed to protecting the personal information given on this form. By providing the information requested, you are giving Helium Arts permission (consent) to use this information for safeguarding, legal or regulatory purposes and we will use it for no other purpose without further consent unless mandated or required to do so under the Data Protection Act 2018 or equivalent legislation. If you have any questions about how we process your personal data, please contact the Helium Arts Data Controller, Programme and Operations Manager, 0449396960.

Helium Arts | Parent/Guardian Media Consent form



1. What am I being asked to sign?

Thank you for supporting the work Helium Arts. Communicating via the media with the children and families we look after, with the general public, our donors and supporters and our staff is an important part of our work.

This form is about getting your permission for us to use photographs and/or videos featuring you and/or your child (aged 0 – 16 years). We don't like to use stock images showing models and actors if we can avoid it. We like to show real images of our staff and the children who are participants of our programme but only with your permission.

To do this, we rely on consent from parents and guardians, to use the photos and videos in which they or their children feature. We take this responsibility very seriously.

Some typical examples of what we might use photos and videos for are;



Helium Arts Website



Social Media Channels:
Youtube, Facebook,
Instagram, Twitter,
LinkedIn



Helium Arts' Publications
(e.g. Annual Reports,
leaflets, brochures)



Helium Arts' Advertising
Campaigns



Print (e.g. newspapers
& magazines) and
broadcast media and
associated websites

2. Some brief information on your child

Child's Name (First name & surname):

Male
 Female

Date of Birth:

Day: Month: Year:

Parent's or Guardian's Name (First name & surname):

Email:

Address:

Phone Number:

Location:

Clothes worn on day of photography/
filming or other identifying characteristics:

3. Your permission

I hereby confirm that I am the parent/ legal guardian of the above named child. I have read this form and understand that I am providing my consent for myself and/or the above named child to be photographed and/or filmed in an appropriate and sensitive manner.

I understand that this photograph and/or video
can be used for a period of up to two years

I understand that I can make a request via Helium Arts (as
appropriate) to review my decision during the two year period

I hereby grant permission for myself and/or my child to be photographed for the purpose outlined to me

I also confirm that in proposed communication, I consent to;

Use of my child's first name only Use of my child's first name and surname Please do not use either name

Parent's or Guardian's Signature:

Helium Arts Use (Parents / Guardians do not need to complete this section.)

Consent explained to parent/legal guardian and obtained by staff member below.

Staff Member Name:

Staff Member's Signature:

Project Title:



Date:

Resource Links

- Children First Act 2015
- Children First National Guidance for Child Protection and Welfare 2017
- Tusla, 'Guidance on Developing a Child Safeguarding Statement'
- Tusla, Child Safeguarding; Guide for Policy, Procedure and Practice
- Tusla, 'A Guide for the Reporting of Child Protection and Welfare Concerns'
- Tusla, 'Best Practice Principles for Organisations in Developing Children First Training Programmes'
- Tusla, e-learning module, Introduction to Children First
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.