



## Windmill Therapeutic Training Unit CLG

### Child protection and welfare policy and procedures.

Windmill is committed to protecting the welfare of those who access the service and aims to provide an environment and maintain a culture in which abuse is proactively prevented. The aim of Windmill is that of providing Service to Adults with intellectual disability and as such does not provide service to children on any regular basis, however Windmill does accept students under 18 years of age on short term placements. Also, Windmill, those who work in the service and those who attend the service, are part of the wider community and society which includes both adults and children.

In observance of its duty of care to children Windmill had adopted “**Children First: National Guidance for the protection and Welfare of Children**” as the policy and procedures to be followed in the protection of Children. This policy Document should be considered in conjunction with the Children First National Guidance Document. The aim of the Children First National Guidance is to promote the Safety and well-being of children.

Children First: National Guidance states that:

Parents and guardians have the primary responsibility for the care of children. Many parents from time to time require support and help from the state in carrying out their parental role. Some parents for a range of reasons, are not able to provide proper care for their children. These families need more intensive assessment, support and direct interventions to ensure the safety and wellbeing of their children. People working with children and the wider public should know that early action by them is very often the best way to protect children and enable a family stay together. Professionals also have an important part to play and their actions need to reflect the principles and objectives of the Child Care Act 1991 and the *Children First: National Guidance*.

Professionals and others working with children need to pay particular attention to the needs of children who may be at risk of abuse. Research tells us that children whose parents misuse drugs or alcohol are more at risk of neglect or maltreatment. Parents who have learning disability or mental illness may need particular support in carrying out their parenting role.

**A key principle of best practice in child protection and welfare is:** the welfare of children is of paramount importance and where there is conflict between protecting children and respecting the rights and needs of parents/carers and families, the child’s welfare must come first. See Children First National Guidance for a full outline of key principles of best practice in child protection and welfare. Section 1.1)

Research indicates that most abuse occurs in the family home. Children may be abused by persons other than those living in the immediate family. This may happen where a child is in contact with a

relative, a family friend or acquaintance, or a person whose professional or voluntary activity brings them into contact with a child. In all instances, the best interests and safety of the child must be prioritised.

## **DEFINITIONS**

Child: child means a person who has not attained 18 years of age.

Reasonable grounds: reasonable grounds for concern are set out in Child Protection and Welfare Handbook (2011) section 2.2. They include:

- An injury or behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be abuse.
- Consistent indication over a period of time that a child is suffering from emotional or physical neglect.
- Consistent indication by someone of an alleged abuse.
- A specific indication from a child that he or she was abused
- An account from a person who saw the child being abused
- Evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to have been caused in any other way.

## **RESPONSIBILITIES.**

Society has a duty of care towards children and everyone should be alert to the possibility that children with whom they are in contact may be being abused or at risk of being abused. Everyone, including the staff of Windmill, has a legal duty of care to report to HSE Children and Family Services, any reasonable grounds of concern they may have that a child may have been, is being or is at risk of being abused or neglected.

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

1. The safety and welfare of the child must take priority;
2. Reports should be made without delay to the HSE Children and Family Services.

Section 176 of the criminal justice Act 2006 introduced the criminal act of reckless endangerment of children. It states:

‘A person having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) Causing or permitting a child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse.

or

- (b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation,

Is guilty of an offence’.

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

The criminal Justice (Withholding of information on Offences against Children and Vulnerable Persons) Act 2012 a person shall be guilty of an offence if

- (a) He or she knows or believes that an offence that is a Schedule 1 or schedule 2 Offence, has been committed by another person against a vulnerable person , and
- (b) He or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that person for that offence,

And he or she fails, without a reasonable excuse to disclose that information as soon as is practicable to do so to a member of the Garda Siochana.

Windmill is committed to ensuring that The Staff of Windmill receive training in child protection and are provided with access to and complete HSE on line Child Protection training

## **RETROSPECTIVE DISCLOSURES**

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

The Staff and people working for Windmill (paid or unpaid workers) have a legal duty outlined above.

Windmill requires that all staff members make themselves aware of the signs symptoms and possibilities of neglect and abuse. Please refer to **Appendix 1 (attached) for Signs and Symptoms of child abuse**, as laid out by Children First. (Appendix 1 Children First: National Guidance document).

Windmill is committed to ensuring the best practice in the recruitment of staff or volunteers in relation to child protection and Welfare. This includes Garda vetting, taking up references, good HR practices in interviewing, induction training, probation and ongoing supervision and management.

Windmill is committed to maintaining safe storage of records relating to all child protection and welfare concerns reported through Windmill.

## **PROTECTED DISCLOSURES**

The Protection for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of Persons or organisations who have communicated child abuse 'reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Siochana. This protection applies to organisations as well as individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making

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

## **CONFIDENTIALITY**

All information relating to child protection and welfare concerns should be treated with the utmost confidentiality in order to protect the child. All information regarding to a concern or assessment of child abuse should be shared on a "need to know" basis in the interest of the child with the relevant statutory authorities. Windmill is committed to supporting interagency cooperation and recognising that we do not have the expertise to deal with child abuse is committed to sharing any concerns of child abuse with, making formal reports, seeking advice from and cooperating with HSE regarding child. Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. The Children first National document states that the provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data

## **REPORTING PROCEEDURE**

As a member of the public, if you have a concern about a child but are not sure what to do, or if you are worried about a child's safety, you should contact your local HSE Children and Family Services. Any person reporting a child abuse or neglect should do so without delay to the HSE Children and Family Services.

Contact details for Children and Family Services Wexford: **Social Work Department, Ely House, Ferrybank, (053) 9123522 Ext 201**

Contact numbers for all HSE offices nationwide are given in Appendix 2 of the *Children First: National Guidance for the protection and Welfare of Children*. And are also available on the HSE website ([www.hse.ie](http://www.hse.ie)) or through the HSE LoCall Tel. 1850241850

Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with the HSE Children and Family services. (See above for local Wexford number or refer to appendix 2 of the Children First National Guidance Document

If in the course of your work you become aware of or have concerns about a child but are not sure what to do you should discuss your concern with **Joan Mac Donald and / or Linda Kelly**, who are the Designated Officers for the purpose of the Safeguarding of Vulnerable Adults Policy, or alternatively contact the HSE Children and Family services for Advice (for Wexford town: **Social Work Department, Ely House, Ferrybank. (053) 9123522 Ext 201**)

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending HSE intervention. In the event of an emergency where you think a child is in immediate danger and you cannot contact the HSE Children and Family Services, you should contact the Gardai at the Garda Station. **The number for the Gardai Station in Wexford town is 053 9165200**

When reporting child protection and welfare concerns to the HSE Children and Family Services, which you have become aware of in the course of your work in Windmill, the Standard Report Form

for reporting child welfare and protection concerns to the HSE should be used. See appendix 3 of Children First National Guidance Document. And appendix 3 of this policy document.

**Signed:** \_\_\_\_\_

Joan MacDonald  
Head of Windmill

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

Board of Directors

**Date:** \_\_\_\_\_