



CHILD SAFEGUARDING STATEMENT

Approved and adopted by the Board of EIL Intercultural Learning on 25 February 2018

Reviewed: February 2019

Reviewed: June 2022

Next Review: June 2025

Child Safeguarding Statement

EIL Ireland provides intercultural learning experiences through study abroad, travel awards, group educational programmes and other cultural immersion activities.

EIL Ireland acknowledges the duty of care to safeguard and promote the welfare of children and is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice. This Child Safeguarding Statement recognises that the welfare and interests of children are paramount in all circumstances. It aims to ensure that regardless of age, ability or disability, race, religion or belief, sex, sexual orientation, socio economic background, all children participating in an EIL programme have a positive and enjoyable experience in a safe and child centred environment and are protected from abuse.

Guiding Principles

Working across many countries, which encompass varying laws, religions, customs and social contexts, there may be challenges when establishing an effective child and protection policy. In this regard the principles enshrined in the UN Convention on the Rights of the Child form the foundation of EIL Ireland's policy. When working in Ireland, the actions of EIL Ireland will be compliant with the Children First guidelines

EIL's Child Safeguarding Policy is underpinned by the following key principles

- Everyone has a right to freedom from abuse and exploitation.
- The abuse of a child is never acceptable.
- The best interests of the child are of paramount importance to EIL Ireland and form the
- basis of the design and operation of all programmes.
- EIL Ireland is committed to promoting the safety and well-being of all children in contact with the organisation, irrespective of what society, community or country they reside in.
- EIL Ireland acknowledges that the organisation has a moral and legal obligation to maintain the highest standards possible in child protection and put in place safeguards to ensure a safe environment for all children.
- All allegations of mistreatment will be handled with due diligence, irrespective of whom the allegation has been made against.
- When EIL Ireland faces a suspicion of abuse, action has to be taken. However, it will never be the role of an EIL Ireland staff member to investigate or adjudicate on a suspicion or claim of abuse, only to report the suspicion of abuse

Policy

As part of our safeguarding policy EIL Ireland will

- Promote and prioritise the safety and wellbeing of children
- Ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate training to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children
- Ensure appropriate action is taken in the event of incidents / concerns of abuse and support is provided to the individuals who raise or disclose the concern
- Ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored
- Prevent the employment / engagement of unsuitable individuals and maintain a safe recruitment and vetting policy
- Ensure robust safeguarding arrangements and procedures are in operation

The aim and purpose of this policy is to safeguard children, young people, families, staff and volunteers. 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 published in 2011 and the Children First Act 2015.

Programmes and Risk Assessment

Secondary School In

Young people aged 15 - 17 years come to Ireland, to live with a host family and attend secondary school for a period of between one term and a full academic year

IHP

Participants aged from 16 years travel to Ireland to stay with a host family on an individual basis. The homestay is generally 2 -4 weeks in duration

Secondary School Out

Irish secondary school students travel to another country to stay with a host family there and attend secondary school

Language Programs

Irish young people aged between 14 and 18 years travel to another country to take part in a language programme there. Accommodation can be either with a host family or in a group residence. Programmes vary in length from 2 to 6 weeks

Group Homestay / Conference / Voluntary service

Groups of young people (aged 14 - 18 years) travel to Ireland with their leaders to stay in an Irish host community and take part in voluntary service and cultural activities here. They stay with host families, usually two per family and their activities are organised and supervised by a local volunteer.

In addition to homestay, some groups stay in hotels, campus accommodation and guesthouses. They also take part in outdoor activities and sports and meet with Irish young people in youthwork settings.

Intergenerational and Family programmes

Grandparents and families travel to Ireland with their grandchildren / children to take part in a cultural visit. They stay in hotels and travel around the country for a period of between 10 days and 2 weeks taking part in cultural and sightseeing activities. They travel by motorcoach and are accompanied by one or two paid group leaders.

Explore Awards

Each year at least two individual travel awards are made to young people between the ages of 16 and 18. These young people travel independently to their destination country (Japan, Ecuador) They stay with host families there and take part in cultural visits

5 young Irish people aged 15 to 18 years are selected to travel to Vermont to take part in the Governor's Institute. This is a two week long youth, based at a rural college campus in Vermont. They are accompanied by an Irish leader.

Network Weekends & Volunteer Get togethers

The EIL network is a group of mainly returned participants, who are members of EIL. The EIL network gathers for a two day meeting at least once a year, with many members staying overnight at this event. There are other smaller member get togethers throughout the year. A small proportion of the EIL network membership is under 18.

Identified Risks

- Children being away from home and their families
- Risk of abuse while staying with a host family
- Cultural differences / difficulties in communicating in the host culture

EIL has undertaken a Detailed Risk Assessment and Procedures are in Place to Mitigate Risks

Three Pillars

EIL Ireland's child protection policy is comprised of three pillars: awareness, prevention and response. This sets out the standards and commitments that EIL Ireland has made to child protection and should be a point of reference for anyone who has a concern regarding the safety or well-being of a child within the organisation.

Awareness

This means being vigilant to breaches of safety and accepting that a child could be at risk of maltreatment or abuse within the organisation. Only when members of the organisation are open to the possibility that a child could be at risk can they be aware enough to prevent it.

Prevention

EIL Ireland puts measures in place to prevent unsuitable individuals from working with children. EIL Ireland pledges to ensure that all those working within or with the organisation are aware of the child protection policy.

Response

Where there is a suspicion that a child may be at risk, EIL Ireland is committed to responding in an appropriate and timely manner. Where an allegation of wrongdoing is made, EIL Ireland will treat the allegation seriously and report it to the relevant persons.

Types of abuse and identifying abuse

Following the provisions set out by Article 19 (1)[1] of the UNCRC, abuse can be categorized into four broad types: neglect, emotional abuse, physical abuse and sexual abuse. The Children First[2] guidelines also support the provisions of the UNCRC. Each of these different types of abuse is serious and can cause long-term physical and psychological damage to a child. A child may be exposed to more than one type of abuse at any given time.

Neglect Child Neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and wellbeing 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 or supervision and safety. Emotional neglect may also lead to the child having attachment

difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

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

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, of the effects of neglect may be obvious based on having seen the child once

The following are features 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. ie a child not gaining weight due not only to malnutrition but also 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 adequate 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

Emotional abuse is the systematic emotional or psychological ill- treatment of a child as part of the overall relationship between caregiver and a child. Once-off and occasional difficulties between a parent / carer 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 or 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 (eg fun and play)
- Lack of continuity of care (eg 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 depends on his or her behaviour or actions
- Extreme overprotectiveness
- Inappropriate non physical punishment (eg locking child in bedroom)
- 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

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
- Female Genital Mutilation

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

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal or for that of another. 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 mainly come to light through disclosure by the child or his/ her siblings, friends, or from suspicions of an adult, and or by physical symptoms.

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

- 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 whether 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 an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child which includes:
 - inviting, inducing or coercing a child to engage in prostitution or the production of child pornography (for example exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on

- film, videotape or other media) or the manipulation for those purposes of an image by computer or other means
- Inviting, 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
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered with 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 in 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 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions from mandatory reporting are found in Section 4 of this document.

Bullying

EIL Ireland is committed to prevent bullying against children. Like any type of abuse, it will not be permitted or condoned. Every member of the organisation has a responsibility to work together to stop bullying – staff, volunteers, host families, group leaders and local coordinators. Respect for others is the cornerstone of preventing bullying. It is important recognize that everyone has a right to live in an environment which is safe, secure and where they are not at risk of harm. EIL Ireland is committed to support any young person who has experienced bullying; their right to live in a safe environment must be upheld.

Procedures to keep children safe while participating with EIL

1. General Commitments to Action

- EIL Ireland has an appointed Designated Liaison Person
- Where there is a concern for the well-being of a child, EIL Ireland pledges to redress the situation in an appropriate and urgent manner. Any suspicion of the sexual or physical abuse of a child in Ireland will be reported to the Tusla the Child and Family Agency or to An Garda Síochána where necessary. Outside of Ireland, suspicions of abuse will be reported to EIL Ireland's partner organisation in the country where the suspected abuse occurred. If their response is not satisfactory, EIL Ireland commits to seeking assistance from police authorities.
- EIL Ireland pledges to engage with all partner organisations about their own policies and procedures on the topic of child protection, on an ongoing basis.
- Where there is a suspicion of child sexual abuse committed abroad by an Irish citizen or a person who is normally resident in Ireland, EIL will report that suspicion to An Garda Síochána. [1]
- EIL Ireland will support any staff member or volunteer who believes the well-being of a child is in danger. This will be done by assisting them in dealing with and reporting suspected mistreatment. EIL Ireland will also facilitate and, if necessary, aid staff members and programme participants to find professional help to deal with any issues of stress or discomfort that arise from encountering the mistreatment of a child.
- EIL Ireland is committed to checking the suitability of all those within the organisation who have unsupervised and extended contact with children. This will be done through interview, application and completing Garda Vetting and, where relevant, further reference checking. EIL Ireland will Garda Vet all volunteers, group leaders, local coordinators, host families and staff with unsupervised access to children. All those over 18 will be Garda vetted and EIL Ireland will follow best practice in regards to vetting those under 18.
- EIL Ireland will not work with partner organisations who engage in any activities or practices which endanger the wellbeing of a child or who place a child in a dangerous environment.
- Codes of Conduct
 - Establish a code of conduct to be signed by all staff and programme participants who are in contact with children
 - Establish a set of guarantees to ensure best practice in child protection to be signed by all partner organisations

- Establish a set of guarantees to ensure best practice in child protection to be signed by all local coordinators
 - These codes of conduct are subject to change in order to keep up to date with best practice and government legislation.

[1] An Irish citizen or person normally resident in Ireland who is suspected of committing child abuse abroad can be investigated and charged by An Garda Síochána in Ireland under the Sexual Offences (Jurisdiction) Act 1996.

2. Appointment of a Designated Liaison Person

Under the guidelines set out by Children First[5], it is recommended that every organisation that is providing services for children or that is in regular direct contact with children should appoint a designated liaison person (DLP). EIL Ireland commits itself to appointing a member of staff as DLP and to maintaining the role. The DLP is the point of contact for any staff member or programme participant within EIL Ireland who is concerned about the welfare of a child/children. They have the responsibility of reporting suspected wrongdoing or abuse to the relevant authorities and managing the concerns of the members of the organisation.

The role and duties of the Designated Liaison Person:

- Consult and liaise with outside agencies such as Tusla, the Child and Family Agency
- Provide support and guidance to staff with regard to child protection and as a resource person to any staff member or volunteer who has child protection problems
- Responsible for ensuring that the standard reporting procedure is followed
- Undertake training and be aware of best practices and legislative changes
- Stay up to date on Irish national guidelines, legislation or constitutional changes in relation to child protection
- Regularly review and propose any updates to the Board to ensure the EIL Child Safeguarding Policy is in line with all legislation and best practice
- Promote and ensure that child safeguarding is afforded high priority and is integrated into all functions in EIL Ireland
- Ensure that the CEO and Board are appraised and updated on a regular basis on the implementation and auditing of the child safety, procedures and systems
- Immediately alert the CEO where there is risk to the safety or welfare of any participant, host family member, volunteer or member of staff. Likewise immediately alert the CEO where there may be a risk to the reputation or good name of the organization
- Work with programme managers to support and audit the development of child safeguarding policies and structures and systems

- Disseminate the child protection policy to all members of the organisation and provide relevant training to them where necessary
- Advise and facilitate child safeguarding training to EIL staff, board members and local coordinators.
- Ensure that the child protection policy and guidelines are easily available
- Ensure that all partner organisations are aware of the child protection policy and that they have agreed to uphold the UNCRC
- Liaise with overseas partner organisations when incidents of child mistreatment are suspected and encourage them to report any suspected crimes to the authorities
- Report any suspected cases of child abuse committed abroad by an Irish citizen or resident of Ireland to An Garda Síochána
- Lead 'report or not report' decision when a concern is raised whether an allegation or suspicion of abuse reported to EIL Ireland warrants reporting to the relevant statutory bodies in Ireland (Tusla and An Garda Síochána)
- Where there is a suspicion of child abuse or neglect it is the duty of the designated liaison person to officially report it to Tusla
- Where it is decided not to report a situation to Tusla, it is the role of the child protection officer to inform the person who brought the issue to them why an official report is not being made. This explanation must be in writing

3. EIL Garda (Police) Vetting Policy

As part of this policy, EIL Ireland requires all staff, volunteers, group leaders, local coordinators and adult members of host families, who are likely to come into contact with children within the organisation, to agree to be Garda Vetted.

EIL Ireland asks that all partner organisations ensure their leaders and participants have been police checked before allowing them to work with children in Ireland. EIL Ireland will follow best practice in regards to vetting those under 18.

What is Garda Vetting?

Garda Vetting is a procedure through which An Garda Síochána is asked, with a person's permission, to disclose any information held about them on their files. It is completed in the Garda Central Vetting Unit (GCVU). It is aimed at people who work or volunteer in organisations where they have unsupervised access to children. The aim of Garda Vetting is to prevent unsuitable individuals from working with children within the organisation.

Information disclosed from Garda Vetting

Once a person has agreed to the vetting procedure, details of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere will be

disclosed to the relevant person within EIL Ireland. The purpose of Garda Vetting is to identify if an applicant has a criminal record which might make them unsuitable for working with children.

Protection of information

Due to the potential sensitivity of the information disclosed to EIL Ireland by the Garda Vetting process, the information will be held in a secure manner with access restricted to authorised and relevant personnel. The information disclosed to EIL Ireland will only be shared on a need-to-know basis.

Using the information

The information disclosed to EIL Ireland as a result of Garda vetting will enable EIL Ireland to make the best judgments on selecting programme participants or in the recruitment of staff or local co-ordinators. If it becomes known to the DLP that any resident member of a family, participants or EIL Ireland staff member or Co-ordinator has a criminal record then the DLP in association with the CEO of EIL will make an evaluation on whether or not that family or person is suitable to be allowed unsupervised access to children. All disclosures are dealt with on a case-by-case basis. Individuals may appeal disclosures where they believe the information is out-of-date or incorrect. This appeal should be in writing and made to the DLP in EIL Ireland within ten days. Appealing a disclosure will not guarantee a change in decision.

4. Reporting Abuse and Suspected Abuse

It is important that people trust in EIL Ireland's ability to deal with claims of abuse in a fair and effective manner. Anyone who reports an incident of abuse will be listened to carefully and his or her concern treated seriously.

4.1 In Ireland

The Act *Protection for Persons Reporting Child Abuse 1998*^[6] provides immunity from civil liability to a person who, in good faith, reports an allegation or suspicion of abuse to the relevant authorities. An individual need only have a reasonable belief that abuse is occurring to justifiably make a complaint. Where an allegation has been made and later turns out to have been false, this immunity still applies to the complainant. The onus is

on the person against whom the false allegation was made to prove that the complaint was malicious and reported with ill intent.

EIL commits to the following:

- Where there is a suspicion of abuse it must be reported to the Designated Liaison Person
- EIL Ireland will always act where there is a suspicion that a child is at risk. If the Designated Liaison Person is unsure whether an allegation should be officially reported or not they may contact Tusla. Tusla can advise the DLP on whether there are reasonable grounds to make an official report.
- Anonymous complaints should be treated seriously but carefully. EIL Ireland encourages as much openness as possible. Anonymous complaints can still be reported to the statutory bodies and should be investigated where serious concerns are raised.
- In the case of an emergency, or where the safety of a child is in immediate danger, a report should be made to An Garda Síochána.

4.2 Outside of Ireland

- Where there is a suspicion that a child is in danger or that a staff member or participant in a programme has, or might, commit an offence it should be immediately reported to EIL Ireland's partner organisation in that country. It should be requested that they contact the relevant statutory bodies and local police in response to the allegation.
- The Designated Liaison Person should be notified and a record should be kept of what the allegation was and how it was reported. Where the child was completing a programme with EIL Ireland, their parents should be notified and arrangements made for them to return home where necessary or arrange temporary emergency accommodation.
- Where an allegation has been made against a volunteer, host family or staff member of the partner organisation the authorities in the country where the offence took place should deal with the allegation.
- While Irish citizens and long-term residents of the state can be prosecuted for crimes committed abroad in the country where the offence was committed, under the Sexual Offences (Jurisdiction) Act, 1996[7], they can also be prosecuted in Ireland. The Act stipulates that a person can be punished in Ireland for a crime committed against a child abroad, so long as they were not convicted of that same crime in the country where it was committed. The act must be a crime both in Ireland and the state where it was committed. Under the Act it is also an

offence to assist or encourage another person to commit a crime against a child or to publish information, which could incite the committing of an offence.

4.3 Mandated Reporting

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla - the Child and Family Agency. These mandated persons must also assist Tusla, on request, in its assessment of child protection concerns about children and young people who have been the subject of a mandated report.

Who are Mandated Persons?

Mandated persons are people who have 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. Mandated persons include professionals working with children and young people in the education, health, justice, youth and childcare sectors. Certain professionals who may or may not be working directly with children and young people, such as those in adult counselling or psychiatry, are also mandated persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

Mandated Persons in EIL

CEO - Kevin Hickey
DLP – Joanna Karolini
Deputy DLP – Gillian McCormack
Manager Cultural Groups - Fiona O'Leary
Manager Study Abroad – Gillian McCormack /Tom Hehir
Manager Global Citizenship - Adam Peerbux

What are the legal obligations of a mandated person?

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

1. To report the harm (or suspicion of harm) of children above a defined threshold to Tusla
2. To assist Tusla, if requested in assessing a concern which has been the subject of a mandated report

Reporting Mandate Concerns

Criteria for Reporting: Definitions and Thresholds

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

The four types of abuse are described in point.... The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below. If you are in doubt about whether a concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. If your concern does not reach the threshold for mandated reporting, but you feel it is a reasonable concern about the welfare or protection of a child or young person, you should report it to Tusla under this guidance

Neglect

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child or young person's needs have been neglected, are being neglected or are at risk of being neglected to the point where the child or young person's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Emotional Abuse / Ill treatment

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, 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 ill-treated to the point where the child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

Physical Abuse

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child or young person has been, is being, or is at risk of being assaulted and that as a result the child or young person's health, development, or welfare have been or are being seriously affected or are likely to be seriously affected.

Sexual abuse

As all sexual abuse falls within the category of seriously affecting a child or young person's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to Tusla under the Children First Act 2015, if you know, believe or have reasonable grounds to suspect that a child or young person is being, or is at risk of sexual abuse.

There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined below

Exemptions from requirements to report

Underage consensual sexual activity

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might be regarded as child sexual abuse

There are certain exemptions from reporting underage consensual sexual activity under section 14 (3) of the Children First Act 2015. If you are satisfied that **all** of the following criteria are met, you are not required to make a report to Tusla:

The young person(s) concerned are between 15 and 17 years

The age difference between them is not more than 24 months

There is no material difference in their maturity or capacity to consent

The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person

The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

In effect this means that if **all** the above criteria are met, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

All persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, you may make a report to Tusla.

Concerns developed outside of professional duties

The legal obligation to report in the the Act applies only to the information that you acquire in the course of your professional work or employment, It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of the Guidance to report all reasonable concerns to Tusla

4.4 Procedure for Reporting a Child Protection or Welfare Concern

1. Write down accurate notes as soon as possible
2. Contact the DLP or Deputy DLP immediately or as soon as possible
3. Decide in consultation with the DLP
 - *Whether to make a report to Tusla*
Or
 - *Whether the matter should be discussed informally with the Tusla Duty Social Worker*
 - *Decide whether the report will be a mandated report or will be reported due to reasonable concerns about the welfare or protection of a child or young person*

4. If Decision is to Report	4. If Decision is NOT to Report
<ul style="list-style-type: none">A. Inform parents and partner organisation, if appropriateB. From your notes, prepare the Tusla Child Protection and Welfare report form, even if a report has already been submitted verballyC. Submit the completed report form to Tusla within 3 daysD. File a copy of the report in the Child Protection Case file which must be stored securely	<ul style="list-style-type: none">A. Note the reason for not reporting and file this note in the Child Protection Case file which must be stored securelyB. Note any other actions taken as a result of the concernC. Continue to record observations, suspicions, concerns, behavioural changes and place these notes in the Child Protection case fileD. This may lead to a future report being madeE. If further concerns comes to your attention follow the procedures from 1. above

Note: If a child protection/ child welfare concern is brought to your attention by a third party and it is decided not to report this to Tusla, you must inform the person of the decision not to report; inform them that they themselves can report directly to Tusla Child and Family Services Social Work Department and the the provisions of the Protection of Person Reporting Child Abuse Act 1998 would pertain.

4.5 Allegations of Abuse against a staff member, volunteer or local coordinator

In the event of an allegation against a staff member, volunteer or local coordinator the following steps are to be taken:

As a matter of urgency take protective measures to ensure no child is exposed to any unnecessary risk

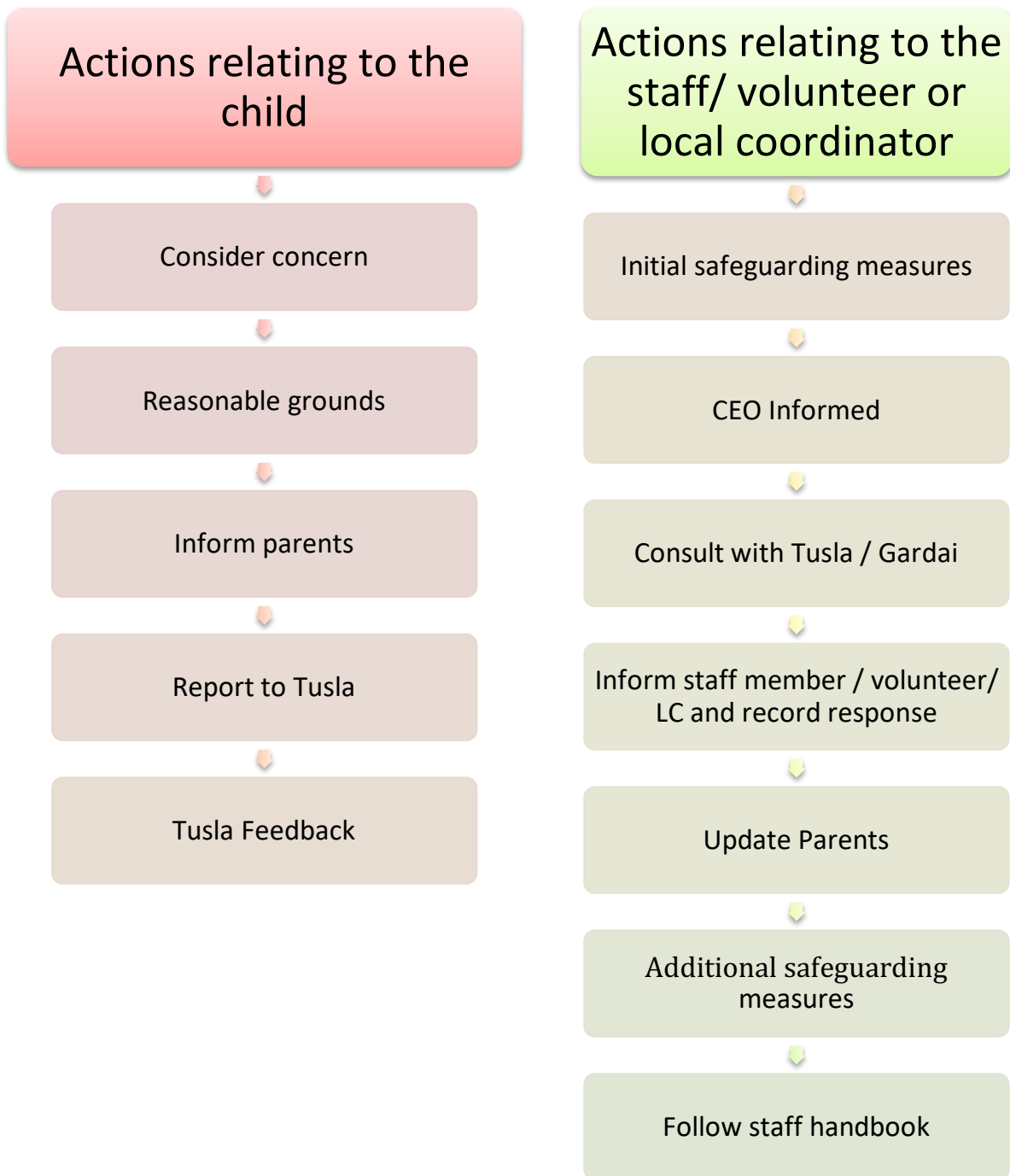
Inform the DLP and CEO

Two separate procedures are to be followed:

1. The reporting procedure in respect of the child
2. The procedure for dealing with the staff member / volunteer/ local coordinator

The Designated Liaison Person is responsible for the procedure in relation to the child

The CEO is responsible for the procedure in relation to the staff member or volunteer or local coordinator



5. Child Protection and Homestays

It is the belief of EIL that homestays are often the most effective way to explore and get to know a new culture. Everybody involved in the home-stay experience has the right to dignity and respect. EIL Ireland will always act where any child (either as a visiting participant or as a member of a host family) is degraded, humiliated or harmed. No child will be placed in a homestay where there are any doubts about the homestay environment.

EIL Ireland's commits to the following specific procedures:

- o A child will never be placed in a one person household.

In Ireland

- o All potential host families are visited by a local co-coordinator to ensure the suitability of the home-stay household and family members.
- o Every adult member of the host family resident in the household will be Garda Vetted before the placement.

Outside Ireland

- o EIL Ireland relies on partner organisations to select host-families outside of Ireland. EIL Ireland only places students in countries where there is a partner office which can monitor and react to issues when and if they occur.
- o Partner organisations are required to accept the principles enshrined in the United Nations Charter on the Rights of the Child

When there is a concern or suspicion that a child is at risk action will be taken immediately. In a situation where suspected or reported abuse has occurred in a host family, the child will be removed from the household and into temporary safe accommodation until a permanent solution can be found. In cases of emergency, children or their guardians will be able to contact EIL Ireland via the emergency phone which is operational 24 hours per day, 7 days per week, 365 days per year.

6. Child Protection and Group Programmes

Further to the overall commitments outlined in this document EIL further commits to the following specific actions in relation to group programmes:

- A key (senior) leader will be appointed on all group programmes
- Will only work with activity centers that employ leaders and instructors who are appropriately qualified for the activities involved
- Will ensure that there is a gender and age appropriate balance among leaders where there are mixed gender and mixed age groups
- All leaders will have child protection training
- Recruitment of leaders will be subject to Garda Vetting and appropriate reference checks
- All leaders will be made aware of their Duty to Care
- Will ensure that there is a clear schedule for leaders which will include a list of responsibilities and arrangements regarding time off
- Single gender dormitories will be used where participants are children
- Will ensure sending and receiving organisation each have a designated contact person at home base in case of emergency

A group contract (drawn up with the active involvement of the group participants) outlining clear behavioral boundaries and expectations is seen by EIL as a fundamental requirement for each group programme.

EIL fully endorses the contents of “Child Safety and Youth Exchange Programmes Guidelines for Good Practice 2003”. <http://www.youth.ie/nyci/child-safety-and-youth-exchange-programme-guidelines>

7. Ensuring the effectiveness of the policy

- EIL Ireland pledges itself to fulfill all legal obligations regarding child protection under current government legislation and guidelines; this includes regularly reviewing Garda vetting and recruitment procedures.
- To consult with staff members, volunteers, host families, local coordinators and group leaders to ensure that the policies are relevant and practical for the purposes of their work and to ensure the policy is known to all those within EIL Ireland.
- EIL Ireland commits itself to ensuring that our partner organisations are aware of the child safeguarding statement.
- To provide information and training on child protection, as required, to members of EIL Ireland.

- EIL Ireland pledges to implement guidelines of best practice for each of the programme areas.
- EIL Ireland pledges to keep natural parents (or legal guardians) fully informed of programme detail and to seek their permission in relation to any changes in key programme elements.

[1]Article 19 (1): States Parties shall take all appropriate, legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

[2] Children First (2010): National Guidelines for the Protection and Welfare of Children, from the Department of Children and Youth Affairs (Ireland).

[3]The United Nations defines a child as human being below the age of 18 years.

[4]In Ireland, for the purposes of criminal law, the age of consent is 17 years.

[5] Children First 2010 (1.3.1 (ii)): Identify a designated person to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. The designated person is responsible for reporting allegations or suspicions of child abuse to the HSE or an Garda Síochána.

[6] Section 3 (1): A person who apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that- (a). A child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b). A child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proven that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

[7] In order to extend the Criminal law of the State to sexual acts involving children done outside the State by citizens of the State or by persons ordinarily resident in the State (the conditions are to have his or her principal residence within the State for a period of 12 months immediately preceding the commission of the offence Section 2 ss 7), the Sexual Offences Act 1996 provides that a person being a citizen of the State, does an act or attempt to do an act, in a place other than the State, against or involving a child which - constitutes an offence under the law of the place, and if done within the State, would constitute an offence under or referred to in, an enactment specified in the Schedule of this Act, -he or she shall be guilty of the second mentioned offence.