



The Ark



Child Safeguarding Policy

Effective Date: April 2020

Next Review Date: April 2021

The operation of this policy will be reviewed annually and the content of the policy will be reviewed every three years or earlier if required.

Table of Contents

- 1. Introduction**
 - 1.1 Statement of Policy
 - 1.2 Scope of Policy
- 2. Key Principles of the Safeguarding Statement**
 - 2.1 Statement of Risk
- 3. Recognising Child Abuse**
 - 3.1 Reasonable Grounds for Concern
 - 3.2 Risk factors in Child Protection
- 4. Safeguarding Children – The Ark’s Reporting Procedure**
 - 4.1 Reporting Alleged/Suspected Abuse and Concerns
 - 4.2 Guiding Principles
 - 4.3 Confidentiality
 - 4.4 Reporting Procedure – Step-by-Step
 - 4.5 Retrospective Disclosures & Allegations Procedure for Adults
 - 4.6 Procedure for Dealing with Allegations against Staff/Volunteers/Contractors
- 5. Safeguarding Children – Safe Working Practices**
 - 5.1 Safe Management of Activities
 - 5.2 Health & Safety and Risk Assessment of Activities
 - 5.3 Accidents & Incidents
 - 5.4 Procedure for Safe Recruitment and Selection
 - 5.5 Training and Support Programme
 - 5.6 Supervision of Staff/Volunteers/Contractors
 - 5.7 Code of Behaviour for Staff/Volunteers/Contractors
 - 5.8 Events Outside the Scope or Content of this Policy
- 6. Appendices**
 - 6.1 Appendix 1: Child Protection & Welfare Report Form
 - 6.2 Appendix 2: Retrospective Abuse Report Form
 - 6.3 Appendix 3: Definitions of Child Abuse
 - 6.4 Appendix 4: The Ark’s Data Protection Policy
 - 6.5 Appendix 5: Child Safeguarding Risk Assessment Template
 - 6.6 Appendix 6: Working with Contractors or in Partnerships
 - 6.7 Appendix 7: Mandated Persons
 - 6.8 Appendix 8: The Ark’s Internal Incident Form
 - 6.9 Appendix 9: The Ark’s Child Safeguarding Statement (To be reviewed June 2020)

1. Introduction

Established in 1995, The Ark is a dedicated cultural centre for children. We create opportunities for children, along with their families and friends or with their school, to discover and love art. We commission, produce and present work for, by and about children, from the ages of two to 12 years old. We do so in our architecturally award-winning home in the heart of Dublin's Temple Bar. We also work off-site and on tour in Ireland and abroad. Through our work with leading Irish and international artists children can enjoy performances in our unique child-sized theatre, view engaging exhibitions or participate in creative workshops. We also curate specific professional development opportunities for teachers and artists.

In addition, we work in partnership with others as artistic collaborators and regularly share our resources and knowledge with artists, educators and all those interested in child-centred arts practice. We also work with other like-minded organisations to advance children's rights to art and culture as part of their learning and development.

Article 31 of the UN Convention on the Rights of The Child [1989] – Leisure, recreation and cultural activities states that:

1. *State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
2. *State Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activities.*

The very existence of The Ark is based on those principles ratified by The Irish government in 1992. Our mission is driven by those principles and our passion for our work for children reminds us how important it is to protect those principles, every day.

Below are The Ark's principles and procedures, which should be observed to ensure, as far as possible, that a child is safe from harm while availing of our services both within our building and off-site.

1.1 Statement of Policy

It is central to the philosophy of The Ark that children are unconditionally respected and kept safe from harm while using our services. The Ark believes that children have a right to be brought up in an environment free from any harm or neglect and which is supportive of their development.

The Ark's Child Safeguarding Policy and procedures are guidance documents for The Ark's staff in terms of best practice when working with children and young people and in identifying and responding to concerns and allegations of child abuse or neglect. The aim and purpose of the Ark's Child Safeguarding Statement, Policy and procedures is to safeguard children, young people, families and staff. The document is based on and adheres to the Children First Act 2015 and the Department of Children and Youth Affairs *Children First: National Guidance for the Protection and Welfare of Children 2017* (henceforth the *National Guidance*).

The Ark's Child Safeguarding Statement is displayed prominently on The Ark's website and in The Ark's offices. As outlined by the Children First Act 2015, a copy of the statement is given to all staff and is freely publically available on request. A copy can be seen in Appendix 9 of this document.

1.2 Scope of Policy

The Ark 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 18 years.

This Child Safeguarding policy must be observed by all Staff, Volunteers and Contractors. All The Ark staff/volunteers/contractors are required to report any concerns about child abuse or neglect according to The Ark's reporting procedures.

In this document any reference to:

"Staff" should be interpreted as including internships;

"Volunteer" should be interpreted as including board members;

"Contractor" should be interpreted as third-parties including artists, facilitators, visiting companies, contractors and the self-employed.

"Tusla" refers to the Child and Family Agency (<https://www.tusla.ie>)

The Ark recognises that child abuse falls into four main categories as identified in the National Guidance. These are neglect, emotional abuse, physical abuse and sexual abuse. We have also chosen to include reference to bullying in recognition that bullying can escalate into abuse that would fit into these categories. See Section 6 for Definitions of Child Abuse.

Statutory Obligations

The services provided by The Ark fit within Schedule 1, Section 2 of the Children First Act:

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", The Ark is subject to statutory obligations as follows:

- a. To keep children safe from harm while availing of our services
- b. Carry out a risk assessment
- c. 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.

As a relevant service, The Ark has appointed a "relevant person" to be the first point of contact in respect of our Child Safeguarding Statement and policies. The Ark's Child Safeguarding Statement (<https://ark.ie/about/child-safeguarding-statement>) applies when working in The Ark's offices and while representing The Ark at other venues. This person also acts as Designated Liaison Person.

The Designated Liaison Person for The Ark is Al Russell, General Manager, who can be contacted at 01 8994091 or 086 734 1017. If this person is not contactable please contact the Deputy Designated Liaison Person, Aideen Howard, at 01 8994090 or 087 220 9521.

Designated Liaison Person and Mandated Persons

On the basis of the current definitions (see Appendix 7), The Ark does not presently employ any staff member who falls under the “mandated person” statutory categories. This policy is written on the basis of The Ark’s current position of not having any Mandated Person on staff.

If The Ark comes to employ Mandated Persons in the future, or work with professionals within the ‘mandated persons’ category, the Mandated Person would be responsible for fulfilling their obligations under the Children First Act 2015 in parallel to The Ark’s Designated Liaison Person. It is important to note that the Designated Liaison Person cannot fulfill the mandatory reporting obligations on behalf of the Mandated Person. The Ark will maintain a list of the persons (if any) who are Mandated Persons.

While Mandated Persons have statutory obligations to report mandated concerns, they can make a report jointly with another person. Therefore a Mandated Person could make a joint report with the Designated Liaison Person.

If a concern arises about a child attending The Ark with a group which includes a Mandated Person(s) (e.g. Teachers, Social Workers, etc.), then The Ark’s Designated Liaison Person will liaise with the Mandated Person(s) and, if the threshold for making a report is met, would either make a joint report with the Mandated Person(s) or a separate report.

Designated Liaison Person: Role and Responsibilities

The Designated Liaison Person is the main point of contact where there is an issue or concern about any aspect of a child’s or young person’s safety and welfare. It is the responsibility of this person to advise staff about policy and procedures in relation to child protection and to ensure that procedures are followed. The designated liaison person will support and advise staff in the event of a concern regarding child protection and welfare. It is also the responsibility of the Designated Liaison Person to liaise with Tusla or An Garda Síochána where appropriate.

The name and contact details of the Designated Liaison Person must be known to all staff/volunteers/contractors within the organisation, as well as parents and service users.

The functions of the Designated Liaison Person are as follows:

- To ensure that The Ark Child Safeguarding Statement, Policy and procedures are followed, taking decisions on what constitutes relevant activity and putting measures in place as necessary in line with this policy and national guidance.
- To report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of harm, to Tusla or An Garda Síochána (using the Child Protection & Welfare Report Form, Appendix 1).
- Where an allegation or concern is not reported to Tusla, to keep accurate records which clearly indicate the basis of their decision not to report and any actions taken.
- To ensure that The Ark Child Safeguarding Statement and policies implement the principles and procedures of the National Guidance and Children First legislation.
- To be responsible for reviewing and updating The Ark’s Child Safeguarding Statement, Policy and procedures.
- To act as a resource person to The Ark staff/volunteers/contractors providing support and guidance in matters relating to child safeguarding.
- To oversee The Ark’s training programme to ensure that all staff members who have access to children have received sufficient training in accordance with guidance and standards set

down by the Tusla under the Safeguarding Guidance for Organisations and *Best Practice For Organisations In Developing Children First Training Programmes*.

- To keep all notes and email correspondence relating to any reports in electronic form and ensure that only relevant persons and staff members are permitted to access this information (see Appendix 4).

The Designated Liaison Person may delegate responsibility to the Deputy Designated Liaison Person(s) when they are unavailable. The Deputy Designated Liaison Person(s) must also be named on the Child Safeguarding Statement and all staff should be made aware of who they are.

2. Key Principles of the Safeguarding Statement & Policy

The following principles underpin The Ark's Child Safeguarding Statement, Policy and procedures:

- The welfare and best interests of children are of paramount importance. The Ark 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 of The Ark's staff/volunteers/contractors have a responsibility to protect children and therefore have a duty to report child abuse as set out in the Children First Act 2015 and the *National Guidance*.
- The Ark fully accepts and endorses the Children First Act 2015 and the *National Guidance*.
- The Ark 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*.
- The Ark recognizes that when organisations are working together there is a risk of confusion about to whom incidents or suspected child protection or welfare concerns should be reported and who is responsible for passing on such concerns to the statutory authorities. It is The Ark's position that its Child Safeguarding Statement, Policy and procedures apply to all activity that it is delivering. This will be clearly communicated and agreed as part of the contract signed with any partner organisation that The Ark collaborates with.
- When The Ark is delivering activity in other venues or locations with established child safeguarding policies, The Ark's 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 incidences resulting from these activities. This agreement must be in place before the activity takes place. The activity will not take place if The Ark has any concerns with the venue's policies and procedures. The Ark's staff/volunteers/contractors will be expected to follow The Ark's Reporting Procedures and report concerns to the designated Liaison Person who will then liaise as agreed with the venue or partner. For more information see Appendix 6.
- The Ark upholds and is guided by the principles of the UNCRC and is committed to ensuring that all children engaging with The Ark team are treated equally and that all children have a right to voice their opinion in matters affecting them (Articles 2, 12 & 13).
- The Ark ensures that staff receive appropriate training and familiarisation with the Child Safeguarding Statement, Policy and procedures.
- The Ark Recruitment and Selection procedure adheres to best practice and The Ark submits all necessary staff/volunteers/contractors for vetting by the Garda Central Vetting Unit. Special mitigations are in place for the vetting and supervision of international individuals.

2.1 Statement of Risk

Under the Children First Act 2015, organisations providing a relevant service, must undertake a risk assessment. This considers the potential for harm to come to children while they are in the organisation's care. It should be noted that risk in this context is the risk of harm through abuse and not general health and safety risk. The Ark has examined all aspects of its service from a safeguarding perspective, to establish whether there are any practices or features of the

service that have the potential to put children at risk. The Ark's Child Safeguarding Statement outlines the policies and procedures, which are in place to manage the risks that have been identified.

The Child Safeguarding Statement identifies procedures to follow in the following scenarios:

- Where children are at events in which The Ark staff/volunteers/contractors participate whether in The Ark's premises or other venues.
- Where children are present in The Ark's premises for other reasons such as events organised and delivered by independent third parties.
- Where allegations/suspicions of abuse are made to The Ark staff/volunteers/contractors by telephone, email, and letter or in person.

3. Recognising Child Abuse

It can be difficult to recognise the signs and symptoms indicating that a child has suffered neglect or abuse. Moreover, in the case of neglect, a distinction can be made between ‘wilful’ and ‘circumstantial’ neglect.

There are commonly three stages in the identification of child neglect or abuse. If The Ark staff/volunteer/contractor has concerns that a child with whom they are in contact has suffered abuse (with or without disclosure by the child or a third party) then the following stages will normally occur:

- a. considering the possibility of neglect or abuse;
- b. looking out for signs of neglect or abuse; and
- c. recording of relevant information.

3.1 Reasonable Grounds for Concern

Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. If symptoms of abuse are ignored, it could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred to report a concern to Tusla. All that is required is that there are reasonable grounds for concern. It is Tusla’s role to assess concerns that are reported to it.

Reasonable grounds for a child protection or welfare concern include:

- An injury or behaviour that is consistent with abuse and is unlikely to have been caused in any other way
- 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
- An account from a person who saw the child being abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- Any concern about possible sexual abuse

Where appropriate, any issues or observations should be checked with parents, guardian or teachers when considering whether a concern exists – unless doing so may further endanger the child or the person considering making a report.

It is also important to note that abuse can be carried out via social media or other online or digital tools.

The guiding principles on reporting child abuse or neglect may be summarised as follows:

1. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made
2. Reports of concerns should be made without delay to Tusla

In all cases where The Ark staff/volunteer/contractor has a concern that a child may have been, is being, or is at risk of being abused or neglected, then they must report this concern to the Designated Liaison Person who will establish if there are reasonable grounds and whether to report their concerns to Tusla using the Child Protection & Welfare Report Form (*See Appendix 1*). See Section 4 The Ark’s Reporting Procedure for full details.

3.2 Risk factors in Child Protection

When dealing with children, it is important to be alert to the possibility that a welfare or protection concern may arise in relation to children in contact with The Ark. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without this, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or Carer factors:

Drug and/or alcohol misuse; Addiction (including gambling); Mental health issues (including self-harm and suicide); Parental disability issues (including learning or intellectual disability); Conflictual relationships; Domestic abuse; Adolescent parents.

Child factors:

Age; Gender; Sexuality; Disability; Mental health issues (including self-harm and suicide); Communication difficulties; Trafficked/Exploited; Previous abuse; Young carer.

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction.
- Culture-specific practices, including: Female genital mutilation; Forced marriage; Honour-based violence; Radicalisation.

Environmental factors:

- Housing issues; Children who are out of home and not living with their parents, whether temporarily or permanently; Poverty/Begging; Bullying; Internet and social media-related concerns.
- Poor motivation or willingness of parents/guardians to engage: Non-attendance at appointments; Lack of insight or understanding of how the child is being affected; Lack of understanding about what needs to happen to bring about change; Avoidance of contact and reluctance to work with services; Inability or unwillingness to comply with agreed plans.

The above factors are identified to assist in the understanding of what might give rise to a child protection issue. They are drawn from *Children First: National Guidance for the Protection and Welfare of Children 2017, Chapter 2, Page 11*.

4. Safeguarding Children – The Ark’s Reporting Procedure

4.1 Reporting Alleged/Suspected Abuse or Concerns

The following procedure applies to all The Ark staff/volunteers/contractors with concerns or to whom allegations or suspicions of child abuse are made. This procedure applies to a disclosure made in person, in writing (post or email) or by telephone. It is also appropriate in the case of anonymous reports, or reports from adults who experienced childhood abuse.

In the event that the concerns or allegations are being made against The Ark staff/volunteers/contractors, the Procedure for Dealing with Allegations against staff/volunteers/contractors must also be followed by the Designated Liaison Person (see Section 4.6).

The Reporting Procedure is comprised of the following steps. See Section 4.4 for a flow-chart of the Reporting Procedure:

- The staff/volunteer/contractor should report their concern to the Designated Liaison Person as soon as possible.
- The Designated Liaison Person will establish if there are reasonable grounds for concern (consulting with Tusla’s Social Workers if in doubt).
- If there are reasonable grounds, the Designated Liaison Person will make a report to Tusla (or directly to An Garda Síochána if out of hours).
- If the decision is that there are not reasonable grounds, the Designated Liaison Person must document the reason why they have chosen not to report on this occasion.

The Designated Liaison Person should inform the parents/carers if a report is to be submitted to Tusla or to An Garda Síochána, unless doing so is likely to endanger the child. A suspicion that is not supported by any objective indication of abuse or neglect would not constitute a reasonable suspicion or reasonable grounds for concern.

If the Designated Liaison Person decides not to make a report, they should give a clear explanation of the reasons for this to the individual with the concern. It must be made clear that if this individual is still concerned, they are entitled to make a report to Tusla should they wish to do so. The individual worker has protections under the *Protection for Persons Reporting Child Abuse Act 1998*, should they report independently.

4.2 Guiding Principles

The Designated Liaison Person will work with the person reporting the concern to ensure that an accurate record of the concern is documented. Observations should be precisely recorded, including the following, where applicable:

- Dates
- Times
- Names
- Locations
- Contact Details
- Context

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

1. The safety and well-being of the child must take priority.
2. All The Ark staff/volunteers/contractors have a responsibility to ensure that all allegations and suspicions of child abuse are treated seriously and with the utmost professional integrity.
3. If reasonable grounds are established, reports should be made without delay to Tusla.

4.3 Confidentiality

All staff/volunteers/contractors are obliged to report any allegation, concern, suspicion or disclosure of abuse or neglect.

Staff/volunteers/contractors will not guarantee confidentiality to anyone (including The Ark staff members) alleging, reporting or disclosing abuse or neglect. However, The Ark staff/volunteers/contractors will ensure that professional confidentiality is maintained at all times, ensuring information does not get shared outside of The Ark or with team members who do not need to know. Identifying information shared with statutory agencies is done so in confidence.

It is essential that all information regarding concern or assessment of child abuse should be shared only on “a need-to-know basis” in the interests of the safety and welfare of the child. The number of people who are informed of the allegation/disclosure must be kept to a minimum.

The Designated Liaison Person and the Deputy Designated Liaison Person must keep all notes and email correspondence relating to child protection concerns and reports. No other persons and staff members are permitted to access this information (see Appendix 4).

Where possible, The Ark retains personal information relating to allegations/suspicions of abuse made to The Ark staff/volunteers/contractors by telephone, email, letter or in person in order to be able to report such information to the appropriate authorities as specified in the *National Guidance*.

4.4 Reporting Procedure – Step-by-Step

Inform Designated Liaison Person Immediately

The Designated Liaison Person (DLP), or the Deputy Designated Liaison Person (Deputy DLP) if not available, must be **informed immediately** of any concern, suspicion, allegation or disclosure of abuse or neglect, even if outside of office hours. If concern relates to a Designated Liaison Person, please refer to Section 4.6.

DLP - Al Russell: 01 8994091 / 086 734 1017

Deputy DLP - Aideen Howard: 01 8994090 / 087 220 9521



Record the Incident

Record the incident on The Ark's Internal Incident Form (Appendix 8). Take notes, referring to the Child Protection & Welfare Report Form (Appendix 1), detailing as much information as possible.

The DLP will work with the person reporting the concern to ensure that an accurate record of the concern is documented, including date, time and people involved in the concern/disclosure. Information recorded should be factual. Any opinions recorded should be supported by facts.



DLP Determination

The DLP or the Deputy DLP will determine whether it is appropriate or not to make a formal report* and may discuss concerns with Tusla in advance of making a formal report.

TUSLA Dublin South Central Social Work Office: 0766955749 / Bridge House, Cherry Orchard Hospital, Dublin 1

Report to be Made



The DLP or the Deputy DLP reports to the appropriate Tusla Office via the Tusla Portal (<https://portal.tusla.ie/>) using the Child Protection & Welfare Report Form (Appendix 1).

No Report to be Made



DLP must record reasons for not reporting.

All records and incident forms are confidential and must be kept in a secure, locked office.

Emergency Situations: Contact the Gardai

In emergencies, which are out of Tusla Social Work hours, the DLP will contact An Garda Síochána. In situations which threaten the immediate safety of a child/young person, it may be necessary to contact An Garda Síochána at Pearse Street on 01 6668200.

*If the DLP decides not to make a report, the individual with the concern is still entitled to make a report to Tusla under the *National Guidance*, should they wish to do so. The individual has protections under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

If the DLP and the Deputy DLP cannot be contacted, then the individual should assess the risk to the best of their ability or with the support of a senior colleague if appropriate. If it seems that a child is facing an immediate risk an immediate referral to Tusla (01 6486555) or if outside of office hours, to An Garda Síochána (01 6668200).

4.5 Retrospective Disclosures and Allegations Procedure for Adults

Some adults may disclose abuse that took place during their childhood. The staff member/volunteer/contractor to whom the disclosure has been made shall bring the issue to the attention of the Designated Liaison Person immediately. The Designated Liaison Person shall firstly prevent any possible continuing risk to any child who may be in contact with the alleged abuser and report the disclosure to Tusla without delay. See the form for reporting retrospective disclosures (Appendix 2).

4.6 Procedure for Dealing with Allegations against Staff/Volunteers/Contractors

Allegations against staff/volunteers/contracts will be dealt with in line with The Ark's Child Safeguarding Policy, the rules of natural justice and Employment Law. In these cases, The Ark has a dual responsibility to the child or children involved and to the staff/volunteer/contractor who has had the allegation made about them. Therefore there are two procedures to be followed:

- The Ark's Reporting Procedure for Child Safeguarding Concerns
- Internal HR procedure for dealing with the staff/volunteer/contractor

The priority in all cases is the safeguarding of children, ensuring that no child is or continues to be exposed to risk of abuse, while taking account of the staff/volunteer/contractor's right to due process. Protective measures do not presume guilt, so The Ark will put proportionate measures in place to limit or supervise any contact with children while investigation is underway.

The Ark's Reporting Procedure for Child Safeguarding Concerns

The Designated Liaison Person will follow the organisation's Reporting Procedures. They will ensure that The Ark's Director and/or Chair of the Board (as appropriate) are alerted to the allegation and that they have the details required for the internal HR procedures.

Internal HR procedure for dealing with the staff/volunteer/contractor

The Designated Liaison Person will share the details of the allegations and concerns with the Director. They will liaise with the individual to:

- Inform them that an allegation has been made against them;
- Provide the details of the allegation;
- Confirm whether or not a report has been made to Tusla;
- Perform an assessment to identify whether or not suspension is appropriate in line with the Staff Handbook;
- Give copies of any written records relating to the allegation;
- Offer an opportunity to respond to the allegation within a specific time frame; and
- Forward the individual's response to Tusla (if appropriate).

The Director will seek the legal guidance of The Ark's HR consultant to ensure that this procedure is carried out objectively and in line with Employment Law. Care will be taken to ensure that the investigation or any actions arising do not compromise any statutory investigations undertaken by Tusla or An Garda Síochána. The Designated Liaison Person will maintain liaison with these bodies to ensure this.

If disciplinary action is required, this will be in line with the disciplinary procedure laid out in The Ark Staff Handbook or the individual's contract of engagement.

If an allegation is made against the Designated Liaison Person, then the Deputy Designated Liaison Person or Chair of the Board will carry out the above steps.

Whistleblowing Policy

In line with the staff handbook, The Ark is committed to maintaining the highest standards of honesty, openness and accountability and believes that it is in everyone's interests for those with knowledge of or concerns about child safeguarding issues to come forward. Staff/volunteers/contractors making genuine, supported, allegations should be assured that their concerns will be treated seriously and sensitively. The Ark will provide reasonable support to all persons making genuine, supported, material allegations and will aim to protect them from detriment, provided that at all times the person making the allegation has acted in good faith and that the allegations made are material and properly grounded.

5. Safeguarding Children – Safe Working Procedures

5.1 Safe Management of Activities

The following procedures are adhered to on occasions when The Ark staff/volunteers/contractors are planning or delivering activities with children while working in The Ark.

- All activities planned will be suitable and tailored to the age, abilities and needs of the children that they are aimed at. Wherever possible, modifications will be made to ensure that no children are excluded from activities due to the individual requirements.
- When The Ark hosts events that involve the participation of children, any supervision of children carried out by The Ark will be done at a ratio of adults to children based on the age of the children and the risk assessment carried out in advance of those events, or other legal regulations.
- The Ark's Code of Behaviour (Section 5.8) applies to all staff/volunteers/contractors when working with children.
- All children under 16 must be accompanied by an adult for performances and exhibitions.
- Children under the age of seven 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 seven 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 box office have 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. The Ark does not accept responsibility for the collection of children from events.
- The Ark endeavours to ensure that staff/volunteers/contractors are not left alone with a child at an event or in The Ark 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.
- The Ark's Public Liability Insurance will be in place and adequate for the events being delivered.

5.2 Health & Safety and Risk Assessment of Activities

A risk assessment will be carried out by The Ark's Production Team for all activities to ensure that any identified risks have mitigations planned and in place before the activities take place. This risk assessment will be made available to anyone who requests it. This is done in line with **The Ark's Safety Statement** and will ensure that all equipment and facilities meet appropriate safety and quality standards as well as being appropriate to the needs of the participants.

5.3 Accidents & Incidents

It is important to keep a detailed record of all accidents or incidents. The Ark's Internal Incident Form should be used to report these and returned to the General Manager and the Production Manager (for accidents or health & safety related incidents), or to the Designated Liaison Person if they are recording an incident that is the basis of a child safeguarding concern.

5.4 Procedure for Safe Recruitment and Selection

The Ark recruitment policy adheres to best practice. The following procedures are observed by The Ark when recruiting staff/volunteers/contractors:

- Prospective positions within The Ark are advertised widely.
- Advertised positions include a job/role description and person specification, detailing attributes identified as being associated with the position.
- Ideally, interviews are undertaken by at least two representatives of the organisation who are suitably qualified and/or have proven experience to undertake such interviews.
- At least two verbally confirmed references from previous employers, if possible, are required. Evidence of qualification and experience will be sought.
- Employment contracts include a probationary period. A review will be held at the end of that period.
- Newly employed staff members are required to agree to the terms and conditions of employment, as well as explicit acknowledgement of this Policy and the Child Safeguarding Statement, and all codes and policies, as outlined in the Staff Handbook.
- The Ark requires all staff/volunteers/contractors to be vetted by the Garda Central Vetting Unit (GCVU).
- When dealing with international individuals, in recognition that the GCVU are currently unable to adequately vet overseas records, we will seek evidence of vetting carried out in their home country/countries and seek a third reference. Any international individuals who are not fully vetted will also be supervised at all times by a fully vetted member of staff when dealing with children.
- The Ark routinely re-vets all members of staff in continuous service every three years. All other seasonal/temporary staff/volunteers/contractors are re-vetted every two years.

5.5 Training and Support Programme

- The Designated Liaison Person is responsible for ensuring that The Ark staff, volunteers and relevant contractors receive induction training in the Child Safeguarding Policy and procedures. As part of this induction, all individuals will be expected to complete Tusla's free Introduction to Children First e-learning programme and provide the certificate of completion to the Designated Liaison Person.
- The Designated Liaison Person is responsible for ensuring that the ongoing training needs of staff, volunteers and relevant contractors in child protection and welfare are fully addressed to ensure knowledge remains up-to-date and to reinforce familiarity with The Ark's child safeguarding procedures. Refresher training should be done at least once per year.

- As part of the annual review process, any additional child safeguarding training needs for specific roles will be identified. This will include additional training for the Designated Liaison Person and the Deputy Designated Liaison Person.
- If individuals who fit the designation of being a Mandated Person (see Appendix 7) are employed by The Ark, information will be provided to ensure that they are aware of their statutory responsibilities under the Children First Act 2015.
- All training and guideline documents will be regularly reviewed and updated as appropriate and all staff, volunteers and relevant contractors will be informed of these updates.
- When children and young people are part of any project, a written assessment of risk will be done and signed off by the Designated Liaison Person, outlining measures to manage any identified risk in line with the Children First Act 2015. This will be done prior to engaging with children and young people (see Appendix 5).
- When The Ark is involved in organising or attending events involving the participation of children, the Designated Liaison Person will ensure that all staff, volunteers and relevant contractors follow the procedures outlined in the Code of Behaviour (see Section 5.7).
- The Designated Liaison Person will gather and retain a record of training information carried out by all relevant individuals. Signed receipts of this policy and any updates will also be kept with this record.

5.6 Supervision of Staff/Volunteers/Contractors

All staff/volunteers/contractors 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 The Ark. 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 Executive Director.
- Contractors will be supervised by The Ark staff through planning meetings, sign-off processes, observations of activities, debriefs and evaluations.
- Generally, no member of staff, volunteer or contractor is left alone with children without another member of staff or the children's parents/guardians.
- Volunteers will be supervised and supported by staff members.

5.7 Code of Behaviour for staff/volunteers/contractors

The following principles apply to all The Ark staff/volunteers/contractors. The Ark will:

- Ensure it treats all children equally as defined under the Equal Status Act 2000 to 2015.
- Respect a child's dignity and their right to privacy.
- If necessary, discuss boundaries on behaviour with children and young people.
- Ensure that staff/volunteers/contractors are vigilant about the signs of abuse as defined in The Ark Child Safeguarding Policy. Any such concerns, as well as any concerns regarding a colleague's behaviour with regard to a child or children, should be reported to the Designated Liaison Person or Deputy Designated Liaison Person.
- Ensure appropriate intimate care supports are provided by suitably qualified third-parties to any child or children with special needs attending The Ark events.

No staff/volunteer/contractor representing The Ark will:

- Develop sexual, or inappropriately intimate, relationships with any child attending The Ark.
- Spend excessive time alone with any child.
- Socialise with children outside of structured The Ark 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 The Ark in any way that could adversely impact The Ark's reputation or bring it into disrepute.

All staff/volunteers/contractors must 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. It is the adult's responsibility to set appropriate boundaries and tone for interactions. The Ark recognises that physical contact with children is often a valid way to offer comfort and reassurance to children. In particular, children who have suffered significant trauma in their lives may seek out such contact and it is important that individuals representing The Ark can offer appropriate support in such circumstances. No physical contact should take place unless it is acceptable to all parties concerned.

5.8 Events Outside the Scope or Content of this Policy

In the event that this Child Safeguarding Policy does not appear to provide for a particular circumstance or situation, the matter will be referred for the attention of the Designated Liaison Person, or Deputy Designated Liaison Person as appropriate, who will make the necessary decision and take appropriate action having regard to all of the guiding principles outlined in this policy and the best interests and safeguarding of the child or children involved.

6. Appendices

6.1 Appendix 1: Child Protection & Welfare Report Form

For reporting a child safeguarding concern about a child under 18 years of age.

https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

6.2 Appendix 2: Retrospective Abuse Report Form

For reporting a disclosure by an adult of abuse that took place when they were a child.

https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

6.3 Appendix 3: Definitions of Child Abuse

The Ark recognises that child abuse falls into four main categories as identified in the *National Guidance*. These are neglect, emotional abuse, physical abuse and sexual abuse.

Neglect

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 meeting the child over a period of time, or 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, i.e. 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
- Abandonment or desertion

Emotional Abuse

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. 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 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 (e.g. fun and play)
- Lack of continuity of care (e.g. 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 behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. 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. 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
- 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

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 mainly 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.

It should be remembered that sexual activity involving a young person might 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 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 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 the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for certain cases of underage consensual sexual activity can be found in Chapter 3 of the *National Guidance*.

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 is 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, cyberbullying, 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, via mobile phones, the internet and other personal devices.

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

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among 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 must have a code of behaviour and an anti-bullying policy in place.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral to Tusla and/or An Garda Síochána may be necessary.

For further information on these definitions, please refer to *Children First: National Guidance for the Protection and Welfare of Children 2017*, Chapter 2, Pages 7-12.

6.4 Appendix 4: The Ark's Data Protection Policy

In accordance with the General Data Protection Regulation (GDPR) regarding the processing of personal data, The Ark complies with the seven data protection principles regarding personal data:

- The data must be obtained and processed fairly
- The data should be accurate and up to date
- The data shall be kept only for one or more specified and lawful purposes
- The data shall not be used or disclosed on any matter incompatible with those purposes
- The data shall be adequate, relevant and not excessive in relation to that purpose
- The data must not be kept for longer than is necessary
- Appropriate security measures must be taken against unauthorized access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction

The Ark is obliged to record pertinent information arising out of individuals reporting allegations/suspicions of abuse made to The Ark staff by telephone, email, letter or in person. For this purpose, The Ark acts as a data controller. That is, The Ark collects stores or processes data about living people on computer.

Policy for Obtaining and Processing Information Fairly

- The Ark Data Controller records information relating to allegations/suspicions of abuse made to The Ark staff by telephone, email, and letter or in person.
- This information must be fairly obtained; that is, the individual alleging or having suspicion of abuse is aware that the information they are disclosing is being recorded for the purpose of reporting to the appropriate authorities and that they have been informed of the name of the data controller or the person initially receiving that information.
- The Ark processes this information for the purpose of the legitimate interests pursued by a data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject.

Policy for Data Retention and Disclosure

The Ark retains personal information relating to allegations/suspicions of abuse made to The Ark staff by telephone, email, letter or in person in order to be able to report such information to the appropriate authorities as specified in *Children First: National Guidance for the Protection and Welfare of Children (2017)*.

Policy for Data Security

The Ark undertakes appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction:

- Access to the IT server is restricted to a limited number of staff and external IT contractors
- Access to the data is limited to the Data Controller and the Designated Liaison Person
- All IT systems are password-protected
- Daily back-ups of server data are carried out

- All sensitive paper data is first transferred to electronic form and then destroyed
- All staff are aware of The Ark security procedures
- The Ark General Manager is responsible for ensuring periodic reviews of security procedures

Data Scope (Accurate, Adequate, Relevant and not Excessive)

- The Ark ensures that only a minimum amount of personal information retained in order to satisfy our reporting obligations under Children First: National Guidance for the Protection and Welfare of Children (2017)
- The Ark ensures that when recording information for this purpose, only information pertinent to the allegation/suspicion of abuse is recorded.

Retention Period Policy

The Ark retains personal information relating to allegations/suspicions of abuse made to The Ark by telephone, email, letter or in person as well as responses from Tusla or An Garda Síochána for an indefinite period. This data is confidential and kept securely in electronic form. Only the Data Controller and Designated Liaison Person have access to this data. This policy will be reviewed in line with relevant legislative changes.

Giving Individuals Copies of their Personal Data

On making an access request, any individual about whom The Ark retains personal data is entitled to:

- A copy of the data
- Know the purpose for processing that data
- Know to whom that data has been forwarded (relevant Tusla staff or member of An Garda Síochána)
- Know the source of the data, unless it is contrary to public interest.
- In response to an access request The Ark will:
- Supply the information to the individual promptly, within 30 days of receiving the request
- Provide the information in a form that will be clear to the ordinary person.

Children's Personal Data & Use of The Ark's website by Children

We welcome GDPR and The Irish Data Protection Act 2018's commitment to special protection for children's personal data. The Ark has always had special policies in place to safeguard the children that attend our events.

As The Ark's target audience is children ages from two to 12, we acknowledge that they are all below the legal age for giving consent to the processing of their personal data. The Ark's website has been created in the understanding that it is the significant adults in the children's life that will be using it – in fact event descriptions for children's activities are written with the intention that adults can read the description out to the children to involve them in the process of deciding whether to take part. There are minimal opportunities for children to supply information to us via the site and we reasonably expect that any children 12 or under who are using the site are doing so with the express permission and supervision of adults. Therefore we judge the risk that we would be processing children's data via the site to be minimal. Any personal data that we request about the children who take part – including taking pictures and video – will always be gathered with the express consent of the parent or guardian.

Pictures and Videos of Children

The use of images plays an important role in many aspects of work with children and young people. Images in many formats can be used to record, document, demonstrate, promote and celebrate activities and experiences. Increasingly, accessible and diverse technology has meant that recording, sharing, disseminating and publicising images is more widespread than ever before.

The Arts Council Guidelines for taking and using images of children and young people in the arts sector

The Ark has a clear policy in place for capturing images of children for documentation, archiving or promotional use:

- Images can only be captured with the written consent of the child's parent or guardian. Other adult relatives are unable to give consent for this.
- Withholding of consent must never affect or limit the child's experience of the activity they are taking part in.
- Even if a parent has given consent, if a child decides that they don't want their picture taken, their wishes must be respected.
- Parents taking photographs of their own child at an event is fine (assuming it's not disruptive to the event or infringing artists' copyright) but if they're taking photographs that include other children, they should be reminded of the importance of data protection and asked to refrain from taking photographs featuring other children. If that is unavoidable, they should be reminded that these images should not be shared online.
- Capture of images by The Ark's designated photographer should be done in a respectful way, with no or minimal impact on the focus or experience of the children.
- Care must be taken to avoid inadvertent discrimination or stereotyping of any child, particularly on the basis of disability, ethnicity or gender.
- Images should not include personal data such as name badges or school crests. Where they do appear, they should be removed or obscured using editing software.
- Accompanying photo credits should be mindful of giving information that could be used in a way that threatens the child's safety, such as their name, their school or specific address details.
- Images of children's artwork should only be taken with the permission of the child and any names should be cropped out.
- Images featuring unidentifiable aspects such as a child's hands, silhouette or the back of their head can be captured without permission but it must be impossible to identify or recognise the child based on that photograph.

Despite consent being given for the indefinite use of images, in line with our commitment to children we have decided to put a period of five years on retention for promotional use. This will avoid potential embarrassment for children of their imagery being used when they are significantly older. It also ensures that we will have ceased using their image for promotional use before they turn 18. After five years, images will only be used for archival and reporting purposes.

6.5 Appendix 5: Child Safeguarding Risk Assessment Template.

No.	Risk event	Implications	Score			Strategy	Mitigations (a)=Actions taken (b)=Intended Action (c) = Intended controls in place	Risk Owner	Status
			Likelihood	Impact	Total				
1.									
2.									
3.									
4.									
5.									

This template gives The Ark the ability to consider the potential for harm. In this context, by harm we mean risk of abuse, not health & safety aspects that would be included in the activity risk assessment mentioned in Section 5.2.

As part of the regular review of The Ark's Child Safeguarding Statement, the Designated Liaison Person will work with the senior staff team and board to examine all aspects of The Ark's operation to establish any areas, practice or aspects that have the potential to put children at risk of abuse. Having identified areas of risk, we will then develop policies and procedures to minimise or mitigate these risks.

The Ark has adopted a scoring system to work out the severity of risks based on the UK Institute of Risk Management's risk heat map, reproduced here:

Impact	Extreme/Catastrophic	5	5	10	15	20	25
	Major	4	4	8	12	16	20
	Moderate	3	3	6	9	12	15
	Minor	2	2	4	6	8	10
	Insignificant	1	1	2	3	4	5
		1	1	2	3	4	5
			Remote	Unlikely	Possible	Probable	Highly probable
			Likelihood				

(Source: Institute of Risk Management, Risk Management for Charities, <https://www.theirm.org/media/1238690/CharitiesGuidanceV6FINAL.pdf>.)

6.6 Appendix 6: Working with Contractors or in Partnerships

It is essential that governance issues are clarified when The Ark delivers a service to children and families through a partnership structure with one or more other organisations.

Partnerships can take many forms for The Ark and are generally temporary. Typical partnerships involve The Ark and one or more organisations working together to produce or present a project. It may also be one or more individuals contracted to work with The Ark on a temporary basis.

In most cases, it is The Ark's position that its Child Safeguarding Statement, Policy and procedures apply to all activity that it is delivering. This will be clearly communicated and agreed as part of the contract signed with any partner organisation that The Ark collaborates with. However all partnership agreements in this area will include the following areas of discussion:

Child Safeguarding Procedures

- Have all parties shared their declaration of guiding principles and child safeguarding procedures?
- Have all parties compared guidance outlined within their procedures at the outset of the engagement?
- Is it agreed that The Ark's guiding principles and child safeguarding procedures will be followed or does a new policy need to be developed and implemented?
- Has it been agreed by all parties' whose anti-bullying policy will be followed, and has this been communicated to all workers/volunteers involved?
- Who will take responsibility for communicating the agreed guiding principles and child safeguarding procedures to all involved?
- If it is agreed to follow the existing guiding principles and child safeguarding procedures of one organisation, has there been a review of the policy and accompanying procedures to ensure children within the new service are safeguarded from harm?
- Is the Designated Liaison Person named and agreed?
- Is the role of the Designated Liaison Person clearly outlined?
- Are any Mandated Persons identified and their responsibilities understood by all parties?

Communications

- Has a process been agreed for sharing information among Designated Liaison Person s of all parties? This should include guidance on decisions to report or not report and the recording of all child protection or welfare concerns.
- If support is needed by workers/volunteers in the processing of a report, who will provide this support?
- Is the procedure for responding to allegations of abuse against a worker/volunteer agreed? Does this include communication pathways between the partner organisations and management of the concern by a 'lead' agency?
- If the organisation/project operates outside of Irish jurisdiction (e.g. international trips), have appropriate reporting procedures been identified and incorporated?

Recruitment

- Have all parties shared their policies and procedures regarding recruitment and selection of workers/volunteers?
- Have all parties shared their policies and procedures regarding the management of staff and training requirements?
- Who will take responsibility for induction, training, support and supervision of the workers in relation to following the guiding principles and child safeguarding procedures?
- If policies and procedures differ among the parties, how will this be resolved?
- Have all parties agreed which organisation's code of behaviour is to be followed?
- If a worker/volunteer breaches the code of behaviour, what cross-organisation communication systems are agreed?
- Are children participating in the project registered with one of the organisations, or is this a new project requiring new registration? How will information be gathered (in line with GDPR)?
- How will information be shared with parents/guardians?
- What is the arrangement for consent for activities and any documentation (including images and video) in relation to this activity?

Complaints

- Which organisation's complaints procedure will be utilised? Will a new complaints procedure be put in place for this project?
- If one organisation handles a complaint involving a worker from another organisation, how will this information be shared?

Implementation & Review

- Has it been agreed how to implement and operate the child safeguarding procedures?
- Are review mechanisms agreed and in place?

A formal agreement will be reached with the contractor or partner which will include all agreements made under the areas above. This can take the form of a contract, memorandum of agreement or other written record.

6.7 Appendix 7: Mandated Persons

Mandated Persons are people and professionals who have contact with children and/or families and, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm.

According to the Children First Act 2015 a “mandated person” means a person specified in section 2, part 1, schedule 2 which indicates the expertise and the nature of the work of professionals who are classified as Mandated Persons such as GPs, nurses, speech and language therapists, psychologists, social care workers, teachers, and members of An Garda Síochána. In addition, it includes certain professionals who may not work directly with children, such as those in adult counselling or psychiatry. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

Section 2 subsection 15(i) states that a “safeguarding officer, child protection officer **or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function** of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children” is also a Mandated Person. However, this section implies that the individual would be employed by the organisation mainly for the purpose of performing the child welfare and protection function.

Currently the Ark does not employ any staff member who falls under the “mandated person” statutory categories. When and if The Ark does employ someone who falls under this, a list shall be kept of all Mandated Persons and the following will apply to those individuals.

Legal obligations of a Mandated Person

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

- To report 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 Mandated Person is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The [Act defines](#) harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

The reporting requirements under the Children First Act 2015 apply only to information that a Mandated Person received or became aware of since the Act came into force. However, if the Mandated Person has reasonable concern about past abuse and there is possible continuing risk to children, the Mandated Person should report it to Tusla under the Children First Guidance 2017.

Threshold for making a mandated report

A mandated person is required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed, to the Authorised Person within Tusla. Definitions of abuse can be seen in Appendix 3 of this policy.

Mandated report to Tusla

It is the Mandated Person’s legal responsibility to make a decision as to whether a concern about a child meets the threshold for a mandated report under the Children First Act 2015 or not. If the Mandated Person is satisfied that the threshold has been reached, it should clearly identify on the report that it is a mandated report made under the Children First Act.

If the Mandated Person is unsure whether a concern reaches the legal definition of harm for making a mandated report, he/she could discuss the concern with a Tusla social worker. However, the responsibility for making the decision rests with the Mandated Person.

A Mandated Person cannot submit a mandated report anonymously. The Children First Act 2015 requires Mandated Persons to report a mandated concern to Tusla “as soon as practicable”. The Act requires Tusla to appoint Authorised Persons to receive mandated reports. Authorised Persons are obliged to acknowledge in writing all mandated reports they receive.

If urgent intervention may be required to make a child safe, a Mandated Person can alert Tusla of the concern in advance of submitting a written report. A mandated report to Tusla should then be submitted on the report form or via the web portal within three days.

Tusla has two forms for reporting child protection and welfare concerns. See Appendix 1 & 2. A [web portal](#) has been developed for Mandated Persons to submit forms securely.

Making a Mandated Report Out-of-Hours

Mandated reporters can now access Tusla’s emergency out-of-hours social work service. If a mandated reporter wishes to report a case of child harm to Tusla, they can contact the out-of-hours social work service on 0818 776 315 between 6pm and 6am every night and between 9am and 5pm on Saturdays, Sundays and bank holidays.

If you cannot contact Tusla and have an immediate concern about the safety of a child, please contact An Garda Síochána.

Mandated Assisting

It is usual practice for professionals who have on-going contact with a child, where there is concern about possible abuse, to continue to engage with Tusla’s Social Work team to assist in the protection of a child. To support and reinforce this practice, the Children First Act 2015 provides that all mandated persons can be asked, by Tusla, to provide any necessary and proportionate assistance to aid the Tusla in assessing the risk to a child from a mandated report. Assistance includes verbal or written information or attendance at meetings. A Mandated Person must comply with this request regardless of who made the report.

Information that Tusla shares with Mandated Persons, if they are assisting them to carry out an assessment, must not be shared with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. Section 17 of the Children First Act 2015 makes it an offence for the Mandated Person to disclose information, which has been shared by Tusla during the course of an assessment, to a third party unless Tusla has given written authorisation to do so. Any information furnished by a Mandated Person shall not give rise to civil liability or be admissible in evidence against that person in any civil or criminal proceedings. A Mandated Assisting Protocol for Tusla Staff has been developed which sets out Tusla’s internal processes for formally requesting assistance and for dealing with a refusal to assist or a failure to engage.

6.8 Appendix 8: The Ark's Internal Incident Form

Particulars of incident:		
Date:	Time:	Location:
Type of incident (please circle below):		
Injury	Illness	Environmental
Notifiable event	*Child Safeguarding	
Reported by:	Phone:	
Role in the event:	Email:	
The injured person:		
Name:	Address:	
Age:	Phone:	Email:
Details of Parent/Guardian if the affected person is a child:		
Name:	Phone:	
Witness(s):		
Name:	Phone:	
Name:	Phone:	
Describe the incident:		
Describe any illness or injury:		
Describe any property damage: <i>What damage was caused and how?</i>		
Analysis: <i>What do you think caused or contributed to the incident?</i>		
Outcomes: <i>What action was taken?</i>		
Treatment:		
Details of any First Aid Offered? <i>Please include details of First Aider?</i>		
Follow up Actions and Information – To be completed by GM/PM		

Completed Report should be emailed or scanned and sent to the General Manager & Production Manager. Hard Copy to GM.
 *If concerning a Child Safeguarding Incident, sent directly to the General Manager/Designated Liaison Person

6.9 Appendix 9: The Ark’s Child Safeguarding Statement

Name of service:

The Ark, 11a Eustace Street, Temple Bar, Dublin 2

Nature of service provided:

Established in 1995, The Ark is a dedicated cultural centre for children. We create opportunities for children, along with their families and friends or with their school, to discover and love art. We commission, produce and present work for, by and about children, from the ages of two to twelve years old. We do so in our architecturally award-winning home in the heart of Dublin’s Temple Bar. We also work off-site and on tour in Ireland and abroad. Through our work with leading Irish and international artists children can enjoy performances in our unique child-sized theatre, view engaging exhibitions or participate in creative workshops. We also curate specific professional development opportunities for teachers and artists.

The Ark is committed to a child-centred approach in our work with children and young people. The Ark provides its services to and for children. It is central to the philosophy of The Ark that children are unconditionally respected and kept safe from harm while using our services.

Principles to safeguard children from harm:

Below are The Ark’s principles and procedures which should be observed to ensure, as far as possible, that a child is safe from harm while availing of our services both within our building and off-site.

- All Ark staff and regular artists/facilitators/volunteers are Garda vetted.
- All Ark staff have undertaken Tusla online Child Protection Training – Children First E-Learning.
- All child protection or welfare concerns will be reported to Tusla/Gardaí in a timely manner.
- Children are always accompanied by a parent/guardian, teacher or member of The Ark staff while in the Ark venue.
- When the Ark is open to the public there is always a member of staff on duty in reception to record all those entering the building.
- A child in need of personal support because of illness, physical needs or any form of distress, shall be referred in the first place to his/her parent/guardian or teacher. In the absence of a guardian, the staff member who is working with or supervising that activity will provide such support. A parent/guardian or teacher should inform a member of staff if there are any specific needs required during a child’s participation at an Ark event.

Risk Assessment:

We have carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the areas of risk identified and the list of procedures for managing these risks.

Risk identified	Procedure in place to manage risk identified
1 Non-compliance with The Ark’s Child Protection Policy	All staff and volunteers are provided with the Child Protection Policy. Any breach of the Child Protection Policy will be reported to the relevant line manager. The Child Protection Policy is reviewed every 2 years.

2 Delay in making referrals to Tusla	All staff and regular volunteers are trained and supported to ensure they can act promptly and not delay in contacting the Designated Liaison Person or Tusla when they deem a referral may be required.
4 Receipt of complaint of alleged child abuse where a parent, guardian or teacher is the alleged perpetrator.	All staff know the procedures to make a referral to the Designated Liaison Person or directly to Tusla. Internal disciplinary processes are in place where the issue concerns an employee.
5 Child makes a disclosure to a member of staff	All staff know the procedures to make a referral to the Designated Liaison Person or directly to Tusla.
6 A suspicion of child abuse is determined by a member of staff.	All staff know the procedures to make a referral to the Designated Liaison Person or directly to Tusla.

Procedures

The Ark's Child Safeguarding Statement has been developed in line with requirements under the *Children First Act 2015*, and the *Children First: National Guidance*, and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*. In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our services:

- Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our services
- Procedure for the safe recruitment and selection of workers and volunteers to work with children
- Procedure for provision of, and access to, child safeguarding training and information, including the identification of the occurrence of harm
- Procedure for the reporting of child protection or welfare concerns to Tusla or the Gardaí as appropriate
- Procedure for maintaining a list of the persons (if any) in the relevant service who are 'Mandated Persons' as defined under the Children First Act 2015

All procedures listed are available upon request.

Implementation

The Ark recognises that implementation is an ongoing process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. This Statement will be reviewed on 27 February 2020 or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signatories of this statement: Al Russell, General Manager & Aideen Howard, Director

Name and contact details:

The Ark, 11a Eustace Street, Temple Bar, Dublin 2. Tel: 01 670 7788.

For queries in relation to this Child Safeguarding Statement please contact Al Russell, General Manager & Designated Liaison Person, at the address above or email al@ark.ie