



The Ark



CHILD **SAFEGUARDING** **POLICY**



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.

Effective Date: June 2023

Next Review Date: June 2024

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 Delivering Online Services/Activities
 - 5.3 Working With Children’s Parents, Guardians Or Teachers
 - 5.4 Health & Safety and Risk Assessment of Activities
 - 5.5 Accidents & Incidents
 - 5.6 Procedure for Safe Recruitment and Selection
 - 5.7 Training and Support Programme
 - 5.8 Supervision of Staff/Volunteers/Contractors
 - 5.9 Code of Behaviour for Staff/Volunteers/Contractors
 - 5.10 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
 - 6.9 Appendix 10: The Ark’s Child Garda Vetting Policy & Procedures

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 Delivering Online Services/Activities

The following procedures are adhered to when providing services/activities via online digital platforms, involving children's participation and engagement with the artists and facilitators delivering the activity. Online services/activities delivered by The Ark are defined as:

Indirect Engagement:

- Recordings or live streaming of performances or activities intended for children to watch together with their grown-ups.
- Recorded workshops or demonstrations created for children to watch to help guide them in creating artworks or other activities.
- Shared worksheets and activity packs intended for download to help guide activities at home or support teachers and parents to deliver creative activity.

Direct Engagement:

Where children are encouraged to take part and participate directly with the artist or facilitator as part of the activity:

- Group workshops.
- Meetings.
- Live presentations.

Safe Delivery of Online Services/Activities.

- All online services/activities delivered by The Ark are subject to risk assessment and planning to promote the safe participation and engagement of children availing of our services.
- Children under the age of 16 years require parental/guardian consent to take part in online services/activities provided by The Ark.
 - We consider that parental/guardian consent for **indirect engagement** is given implicitly by the adult who is downloading the activity or logging into their social media accounts on behalf of their child.
 - A signed consent form is required for **direct engagement** in activities.
- Consent forms will set out how the service/activity will be delivered, any specific mitigations and/or requirements that have been put in place by The Ark, and parental responsibilities.
- Parental/guardian supervision is required for children aged under 7 years old who are availing of online services/activities.
- Parents/guardians of children aged years 7+ are welcome to leave the room once the activity is underway if both the child and adult are happy with this. Parents or guardians are always welcome to stay and observe the activity should they wish to.
- The Ark staff will require contact details for parents/guardians in case they need to contact them during the session.
- If the service/activity involves just one child participating (eg one to one tutorials), the child's parent/guardian will be required to be present at all times regardless of the child's age.

Methods of Online Service/Activity Delivery

The Ark's online platforms include:

Indirect Engagement:

- Website – The Ark's website (<https://ark.ie>) is our main way of communicating our activities and sharing or linking to content. As our target audiences are under 13, the website is not designed for children to use. There are no gated areas or forums for engagement.
- Social Media – The Ark shares activity, opportunities and news via Facebook, Instagram and Twitter (@TheArkDublin). All activity on these channels is intended for access by adults

(parents, guardians, teachers), to make them aware of opportunities and support them to facilitate creative activities for the children in their lives.

- Video sharing sites – The Ark uses YouTube, Facebook and Vimeo to share video content with our audiences. Wherever possible, the video content will be imbedded on the activity or event pages of our website. Direct links to the activity on these third-party sites will also be shared with adults via the website, social media or email.

Direct Engagement:

- Video Communications & Conferencing – The Ark uses Zoom to deliver our live direct engagements online.
 - Zoom sessions or meetings will only be set up and using The Ark’s official Zoom account.
 - Password protection is automatically in place and a specific link should be created (eg not using the Host’s own personal meeting ID)
 - To maintain the integrity and security of the Zoom session, the link will only be shared with participants via email up to an hour before the session and should never be shared publicly. Parents will be made aware of this in booking confirmations and ‘Looking Forward to Seeing You’ emails.
 - There will be a minimum of two official adults present, at least one of which will be a member of The Ark’s staff team.
 - If an artist or lead facilitator requires direct support, then a second member of staff (generally a member of the programming team) will be present.
 - If there are more than ten/fifteen participants (depending on age range) an additional staff member will be required to maintain an adequate level of supervision.
 - All staff and facilitators will be allocated as co-hosts once the meeting starts to enable them to moderate activities and turn off cameras or microphones if needed.
 - The Zoom meeting will be recorded for security purposes (in a similar way to our spaces at The Ark being covered by CCTV). Parents/guardians will be informed on this prior to consenting to their child engaging in the activity.
 - Sharing the recording after the session (even if just with the participants themselves) will require express parental/guardian consent.
 - When the Zoom meeting is set up, ability to send private messages to anyone other than the meeting’s host and file-sharing will be disabled.
 - The Waiting Room facility will be activated to ensure that only expected participants are given access to the session.
 - At the start of the session, the facilitator or Ark staff member will outline housekeeping information, setting out how the session is going to run, how participants can communicate with the hosts and the agreed code of conduct expected from all participants.
 - In the same way as all participants have a name badge during activities at The Ark, all participants should have their first names only as their video feed names – the hosts may need to overwrite names to achieve this.
 - When sharing their screen facilitators will not share other content or personal details that may be visible on their computer.
 - Facilitators will be cognisant that screen sharing makes it more difficult to have sight of participants.

- An activity or end-of-day report must be completed outlining how the activity went, number of attendees, any incidents of note as well as feedback received.
- In the event of an incident or accident during the session, an incident form must be completed and submitted in accordance with The Ark's procedures.
-
- Email communications will always take place from our official email channels (xxx@ark.ie or TheArkDublin@gmail.com). No member of staff or artist will knowingly communicate directly with children via email, even if a direct email is supplied.

Delivering Online Content for Schools and Third-Party Groups.

The Ark may be asked to deliver services/activities to existing group established by a third-party partner, for example schools. In these situations, The Ark:

- Will consider using the group's preferred or established online communications service, provided that The Ark are confident that use of this platform:
 - Does not expose children to risk of harm.
 - Does not compromise the integrity of the activity being delivered.
 - Practicable for the appointed facilitator.
- Require appropriate consent to be obtained and confirmed.
- Will work in accordance with The Ark's Child Safeguarding Policy.
- Will discuss Child safeguarding procedures that they require to be in place in advance of the activity being delivered.
- Confirm in writing all aspects of the agreed activities and arrangements for delivery, including Child Safeguarding procedures in advance of the event.

5.3 Working with Children's Parents, Guardians or Teachers

To implement our Child Safeguarding Policy and procedures, we need the support and cooperation of the adults who are attending The Ark with their children. Children's Parents, Guardians and/or Teachers are informed of our procedures to ensure that children who avail of our services are safely supervised, and all adults are clear about their role and responsibilities.

The following procedures are adhered to when engaging with Children's Parents, Guardians or Teachers:

- In advance of a pre-booked visit to The Ark, our box office staff send confirmation and reminder emails to the adults who booked (teachers or parent/guardians) with event specific information, as well as relevant safeguarding information that must be adhered to while in our building.
- All information is also available on our website. Links to our Child Safeguarding Statement are also included in these communications.
- It is a condition of booking that our policies are followed during their visit.
- When sending an initial invoice to a teacher for a school visit, we always make them aware that The Ark require there to be a minimum of 1 teacher per every 15 students, however if schools have a smaller ratio, then we happily facilitate this.
- When sending a reminder email to a parent/guardian ahead of an event, we stipulate the supervision requirements to be met by the accompanying adult as relates to that event.

For example, the core list of supervision requirement is currently:

Online:

- A parent/guardian must be present with their participating child for any public workshop, regardless of the age of the child.
- At least one teacher must be present with a participating class in a school's workshop, whether delivered in the classroom or at home.

In Person:

- A parent/guardian must be present when attending a workshop with a child 7 or under. If the children are aged 8 or above, the parent/guardian may leave for the duration of the workshop, only if they leave their contact details with box office and confirm that they will be back to collect their child 5 minutes before the workshop is due to finish.
- No child is permitted to leave the building until signed out by the parent/guardian that dropped them off.
- If this parent/guardian is unavailable for collection, box office staff must be notified at drop off and the name and contact details of the adult that will be collecting the child must be provided.
- Teachers must be present for the duration of a school workshop or performance, regardless of class age. We require a maximum ratio of 1 adult for every 15 students accompanying the class (The Ark's staff are not counted in these numbers)
- A parent/guardian must be present when attending a performance with a child, regardless of age. They cannot leave the child unattended in the auditorium/event space at any time.
- When attending an exhibition at The Ark, a parent/guardian must accompany any child attending, regardless of age. Though there will be at least one member of staff per floor of the exhibition, parents/guardians must be responsible for supervising their children throughout the exhibition space as this can be a high traffic area.
- Parents/guardians must always accompany their children when attending a drop in event at The Ark.

5.4 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.

5.5 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.

5.6 Procedure for Safe Recruitment and Selection

Staff and Volunteers

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

- 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.
- Garda Vetting is part of The Ark's selection and recruitment procedure to determine a person's suitability for a role.
 - All roles will be assessed in line with The Ark's Garda Vetting Policy (see appendix 10) to establish whether vetting is required.
 - All those assessed as requiring Garda vetting will be vetted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016'.
 - When dealing with international individuals, we will seek evidence of vetting carried out in their home country/countries and seek a third reference.

Contractors

The safe recruitment procedures for Contractors, who provide relevant services are similar to those for staff and volunteers, however some differences in the process to be completed must be noted.

- Contractors may be engaged or recruited in a number of different ways, from open calls or advertised roles, to being invited to work with The Ark as part of The Ark's programming policy and procedures.
- In place of formal interviews, contractors may have their work observed by one or more staff members, detailed discussions, proposals sought, or auditions held.
- Relevant references will be sought for contractors from others that have engaged their services or employed them in the past.
- Contracts for Services include mandatory compliance with The Ark's *Child Safeguarding Policy* and Code of Behaviour. Termination clauses are included to enable the ending of a contract if compliance doesn't happen.
- Garda Vetting is part of The Ark's selection and recruitment procedure to determine a Contractors suitability for a role.
 - All contractor roles will be assessed in line with The Ark's Garda Vetting Policy (see appendix 10) to establish whether vetting is required.
 - All contractors assessed as requiring Garda vetting will be vetted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.
 - When dealing with international contractors The Ark will seek evidence of vetting carried out in their home country/countries.
 - All contractors assessed as requiring vetting will be re-vetted every two years.

Vetting Requirement.

For the avoidance of doubt, any individual whose role within The Ark requires vetting will only be permitted to carry out that role once the vetting process has been completed. In the event that the vetting process has not been completed for any individual deemed to be requiring vetting, they will not be engaged or contracted. If appropriately vetted individuals are not available for an event, (even due to short notice cancellation/lack of availability), the event will be reimagined to be delivered by vetted individuals or cancelled/postponed until vetting has been completed. Full details of The Ark's Garda Vetting Policy can be found in Appendix 10

Re-Vetting Requirements.

Re-vetting for staff, volunteers and contractors will be undertaken in accordance with The Ark's Garda Vetting Policy and Procedure 2023.

5.7 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.

5.8 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.

5.9 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.

5.10 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 identified 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

1. Name of service being provided:

The Ark Children’s Cultural Centre (Trading as The Ark).

2. Nature of service and principles to safeguard children from harm:

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. 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.

The Ark is committed to the protection and welfare of children, and we recognise our obligation to create a culture of safety that promotes the welfare of children and young people who avail of our services. The Ark has policies and procedures that support best practice in child protection and welfare. We recognise that the safety and welfare of children is everyone’s responsibility, and the best interests of the child are paramount.

3. Risk Assessment:

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

Risk identified	Procedure in place to manage identified risk
1 People – The Ark’s staff & volunteers	All staff members/employees/volunteers: <ul style="list-style-type: none"> • Are recruited through safe recruitment and selection procedures including Garda Vetting (repeated in line with policy). • Undergo mandatory child safeguarding training, and always have access to information, and management support. • Are required to comply with The Ark’s Child Safeguarding Policy, Code of Behaviour and HR policy and procedures. • Are subject to supervision and review.
2 People – Contractors who provide services to children, and General Contractors.	All Contractors who provide services to Children: <ul style="list-style-type: none"> • Are recruited through safe recruitment and selection procedures including Garda Vetting (repeated in line with policy). • Undergo mandatory child safeguarding training, and always have access to information, and management support. • Are required to comply with The Ark’s Child Safeguarding Policy, Code of Behaviour and HR policy and procedures.

		<ul style="list-style-type: none"> • Are subject to supervision and review. <p>General contractors:</p> <ul style="list-style-type: none"> • Attend by agreed and scheduled appointment only. • Are always supervised by a member of The Ark's staff. • Adhere to signing in/out procedure.
3	People – (Others) parents, guardians, carers, colleagues from other settings/services, visitors, and general public.	<ul style="list-style-type: none"> • The Ark staff supervise attendees at all activities and events. • Access to The Ark's building is monitored. • All visitors adhere to The Ark's signing in/out procedure. • All children attending The Ark have an identified parent/guardian or other grown-up. • Parents/Guardians and other bookers are given all the information that they need to fulfil their role in The Ark's safeguarding policy including expected supervision roles and to understand the activities being delivered. • CCTV is in place throughout The Ark. • All activities and events are risk assessed. • Communication and agreement always in place between The Ark and any offsite venue regarding child protection and welfare management.
4	Online activity & service delivery	<ul style="list-style-type: none"> • Procedures and guidelines in place for Safe delivery of online services. • Online Services delivered by staff who are subject to the policies and procedure outlined against risk 1 above.
5	Supervision of children and young people who avail of services.	<ul style="list-style-type: none"> • Risk assessment of all activities and events to establish any additional supervision or specific mitigations that may be required alongside those identified in The Ark's Child Safeguarding Policy. • Provision of appropriate level of supervision by The Ark staff as informed by the risk assessment of that activity.
6	The Ark's location and building (onsite activity)	<ul style="list-style-type: none"> • The Ark staff supervise attendees at all activities and events, utilising two-way radios for communication.

		<ul style="list-style-type: none"> • Access to The Ark’s building is monitored. • All visitors adhere to The Ark’s signing in/out procedure. • All children attending The Ark have an identified parent/guardian or other grown-up. • CCTV is in place throughout The Ark. • Public spaces are designed to avoid isolated or unobservable locations. • Workshop space has security code door to control access.
7	Delivery of Activity Offsite	<ul style="list-style-type: none"> • All offsite activities and events are risk assessed in line with The Ark’s Child Safeguarding Policy and risk management processes. • Communication and agreement always in place between The Ark and any offsite venue regarding child protection and welfare management. • Levels of supervision by The Ark staff alongside venue staff.
8	Inappropriate Programme/Activity Content.	<ul style="list-style-type: none"> • All programme content is vetted by The Ark team in advance of being confirmed for programming to ensure suitability for the age range of the intended audience. • Extensive development, supervision and vetting process for new work commissioned by The Ark. • Guidance on age-appropriate content is provided. • Workshop plans are reviewed in advance, to ensure suitability for the intended age range. • Compliance with Child Safeguarding policy and procedures is required by contract.

4. Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, *Children First: National Guidance for the Protection and Welfare of Children (2017)*, and Tusla’s *Child Safeguarding: A Guide for Policy, Procedure and Practice*. 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 service:

- Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service;

- 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;
- Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons;
- Procedure for appointing a relevant person.

All procedures listed above are contained within our Child Safeguarding Policy, which is available on our website at <https://ark.ie/about/child-safeguarding-statement>

5. Implementation

We recognise that implementation is an on-going 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 Child Safeguarding Statement will be reviewed in June 2022 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

Contact Details: The Ark, 11a, Eustace St, Temple Bar, Dublin 2, D02 A590
[+353 \(0\)1 670 7788](tel:+353016707788)

For queries in relation to this Child Safeguarding Statement please contact

Al Russell, Relevant Person under the Children First Act 2015, at the address above or:
al@ark.ie / 0867341017

Current version: June 2021.

Next review: June 2022

6.10 Appendix 10: The Ark's Garda Vetting Policy & Procedures

1. Introduction.

The Ark is committed to safe selection and recruitment procedures, as set out in our Child Safeguarding policy. In accordance with the Children First Act 2015 (11.3.c) our Child Safeguarding policy specifies the procedures that are in place for the selection and recruitment of persons who are suitable to work with children.

A key element of our safe selection and recruitment procedure is the Garda vetting of staff, contractors and volunteers who are engaged to provide services to children.

Garda Vetting is a procedure through which the National Vetting Bureau of An Garda Síochána is asked, with a person's permission, to disclose any information held on Garda file. This information is utilised by The Ark, as part of our selection and recruitment procedure to determine a person's suitability for the role.

2. Purpose.

The purpose of this policy is to set out the procedures for Garda vetting of those staff, contractors, and volunteers who through the course of their work with or on behalf of The Ark have access to and contact with children.

3. Scope.

This policy and procedure apply to all individuals engaged by The Ark, including staff, volunteers, and contractors, in line with The Ark's Child Safeguarding Policy. In this policy, we refer to them as 'The Individual'.

4. Legislative Context.

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a statutory basis for the vetting of persons carrying out **relevant** work with children or vulnerable persons. The Acts stipulate that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau of An Garda Síochána in respect of that person.

The Act defines relevant work or activities as *"any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults"*.

The National Vetting Bureau Acts 2012 to 2016, SCHEDULE 1, PART 1, 5, defines **Relevant work or activities relating to children**, as:

"Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children."

Under these acts it is compulsory for The Ark, as an employer or contractor of services to obtain vetting disclosures in relation to anyone who is carrying out relevant work or activities relating to children. We recognise that the Acts create offences and penalties for persons who fail to

comply with its provisions. In accordance with Section 26 of the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* a person shall be guilty of an offence if they:

- Falsify or alter a vetting disclosure,
- Make a false statement for the purposes of obtaining or enabling another person to obtain, a vetting disclosure, or
- Allow a vetting disclosure which relates to them to be used by another person in such a way as to give rise to the reasonable belief that the record relates to that other person.

5. Application of our Vetting Matrix.

The Ark vetting matrix will be applied to all positions within our organisation to determine if Garda vetting is required for each specific role.

The vetting matrix is a decision-making tool developed and utilised by The Ark to ensure that all roles within the organisation are examined and vetting is undertaken in line with legislative requirements.

6. Garda Vetting Procedure.

For roles that are deemed to be subject to Garda vetting, vetting will be undertaken at the recruitment stage for employees, volunteers, and students on placement and no offer of work will be made until a satisfactory vetting disclosure has been received. For those people who may be engaged by contract for services to supply relevant services or activities, the Garda vetting requirement will be explained at initial discussion stage and no contract will be awarded until a satisfactory vetting disclosure has been received. The Garda Vetting process is managed and administered by The Ark's two designated Garda Vetting Administrators, who have been cleared for this role and received training from the Garda Vetting Bureau.

6.1 Application.

The application process includes:

- A vetting request could come in from any of The Ark's team. The Ark staff member negotiating with or wanting to engage an individual will complete either our [internal vetting request form](#) or our Safe Recruitment Record form, depending on the stage of recruitment or engagement. *E.g., If it is a request to vet a prospective artist for potential future projects, the internal vetting request form will be used. If it is for a programme or show that is further along the confirmation process, the Safe Recruitment Record Form will be used to ensure that all aspects of The Ark's Safe Recruitment Policy are recorded – including the vetting requirements and progress of that vetting.* These forms will provide the Vetting Administrator with the details to be able to check our records to confirm if the individual has been vetted previously.
- One of The Ark's Vetting Administrators will send a vetting invitation form (appendix 1) with guidance information (appendix 2) to 'The Individual if they haven't been vetted before or are due to be re-vetted in line with The Ark's policies. They will also send on a declaration form (appendix 3) which gives The Individual the opportunity to declare anything that they deem relevant.
- The Individual returns the completed invitation form to the Vetting Administrators via vetting@ark.ie, thereby providing authorisation for Garda vetting. They will also provide relevant photo ID and proof of address for the Vetting Administrator to verify their identity.

- The Vetting Administrator completes the vetting invitation on the Garda Vetting Bureau (GVB)'s online portal and begins the main vetting process.
- The Individual will receive a vetting link directly from the GVB and will have one month to complete the form before it expires.
- Once The Individual has completed the vetting form with all relevant details, The Ark's Vetting Administrators will review the form to ensure that all is correct and submits it for vetting.
- The Garda Vetting Bureau then carries out its enquiries and supplies The Ark with a vetting disclosure in respect of The Individual.

6.2 Garda Vetting Disclosure.

A vetting disclosure in respect of the applicant is issued to The Ark from the Garda Vetting Bureau and is viewed by our vetting administrator. Where a vetting disclosure contains criminal record information or specified information, The Ark shall, as soon as practicable, make available a copy of the disclosure to The Individual.

The Vetting Disclosure may include:

- Particulars of a criminal record (if any) relating to the applicant, and a statement of the specified information (if any) relating to The Individual which the Chief Bureau Officer has determined in accordance with Section 15 of the Act should be disclosed,

or

- State that there is no (nil) criminal record or specified information, in relation to the applicant.

6.3 Specified Information.

- Specified information in relation to a person who is the subject of an application for vetting disclosure means information concerning a finding or allegation of harm to another person received by the Bureau from An Garda Síochána or a scheduled organisation pursuant to section 19 of the Act.
- It is information of such a nature as to give rise to a *bona fide* concern that the person concerned may harm, attempt to harm, or put a child or vulnerable person at risk of harm, or incite another person to harm a child or vulnerable person.
- If such information is going to be disclosed to a relevant organisation relating to an applicant, the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information and the applicant has 14 days to appeal the Chief Bureau Officer's determination.

6.4 Assessing Disclosures.

Where a vetting disclosure contains criminal record information or specified information, The Ark will request in writing that The Individual furnish further information on these disclosures or attend a meeting to discuss these disclosures and the circumstances surrounding them. The function of this meeting is to gain more information from The Individual in order to assess the disclosure. Where such a meeting or written statement is not provided, The Ark will assess the application on the information available to them.

6.5 Disputes about Accuracy.

Where The Individual disputes the accuracy of any detail contained in their Garda vetting disclosure, the following procedure will be followed:

- The Individual should outline in writing to The Ark's Designated Liaison Person the exact basis of their dispute.
- The Ark's Designated Liaison Person will submit this along with the original application form to the Garda Vetting Bureau.
- In any case where there has been an error in completing the original application form, The Individual should complete a new form and both the new and original forms will be resubmitted for further checks.
- If following further checks, The Individual still disputes the accuracy of any detail contained in their disclosure, they should contact the National Garda Vetting Bureau directly.

6.6 Determining Suitability.

When assessing vetting disclosures, The Ark will take into consideration The Individual's intended role within the organisation/setting, and the following points will be considered:

- The nature and seriousness of any offence.
- The length of time since the offence occurred.
- Reoffending rate - number and frequency of any convictions.
- The nature of court result and severity of penalty.
- Mitigating factors - any relevant information offered by the applicant about the circumstances.
- Self-disclosure of the conviction/prosecution or pending conviction or prosecution by The Individual.
- The age of The Individual at time of the offence.
- Whether the offence was a one-off or part of a history of offending.
- Whether The Individual's circumstances have changed since the offence took place.
- The conduct of The Individual in the interim.
- Any rehabilitative efforts undertaken.
- Any other relevant factors

6.7 Specific Factors Criteria.

Certain offences will make people ineligible for roles within The Ark and individuals whose vetting disclosure contain any of the following offences will not be considered suitable to provide relevant work or activities relating to children. These offences include (but are not limited to):

- Any offence involving violence.
- Sexual offences, as set out in the Children First Act 2015, (Schedule 3) (as amended by section 55 of the criminal law (sexual offences) act 2017).
- Any offence relating to the harm of children and/or vulnerable adults.

An Individual who has charges pending for an offence which if convicted would make them ineligible for roles within The Ark, will be deemed ineligible until such time as the Garda Vetting Bureau confirm the outcome.

6.8 Decision Making.

A decision-making committee will assess the suitability of individuals for positions within The Ark regarding any Garda vetting disclosures that may be received in respect of them. If information contained in a vetting disclosure raises concerns about The Individual's suitability,

it will be considered by the committee. The decision to accept or reject an application following a vetting disclosure will be made by the committee, taking account of the nature of the disclosure, the circumstances surrounding it and the role description. The Ark decision making committee will consist of at least two people – generally:

- Director/ Deputy Designated Liaison Person.
- General Manager/ Designated Liaison Person.

If they feel that an additional view is vital to the assessment, and with due respect to confidentiality, the committee can ask additional people to sit on the panel. These may be a member of The Ark's Management team:

- Production Manager,
- Creative Arts Manager,
- Operations Manager, or
- Engagement & Participation Manager.

The Individual will be informed of the committee's decision in respect of their suitability for the position within the organisation. The decision and reasoning will be recorded by the Designated Liaison Person and securely filed in The Ark's HR records.

6.9 Appealing the Decision.

If The Individual disagrees with the decision or feels that due process has not been followed, they can appeal the decision in writing to The Director who will bring it to the attention of the Chair of The Ark's Board who will nominate a member of the board to consider the issue with the Director and Designated Liaison Person. External expertise may be sought (in agreement with the applicant) if it is deemed necessary. A meeting will be arranged to discuss the issue and feedback any actions taken or not taken. A decision or resolution reached at this meeting is final.

7. Requirement to Inform The Ark of Convictions.

It is the reasonable expectation of our organisation that all individuals disclose any convictions or if they have been given the benefit of the Probation Act. Failure to provide accurate information on a vetting application may result in The Individual being deemed unsuitable for work with our organisation. Information contained within a vetting disclosure which was not declared by the applicant will be referred to the Decision-Making Committee to be assessed.

Existing staff, contractors, and volunteers are required to inform the organisation of any change in their status regarding criminal convictions or Garda Vetting. The Individual is required to immediately communicate the details of the change to The Ark's Nominated Liaison Person. The information supplied will be subject to risk assessment (as set out in section 9).

Existing staff, contractors, and volunteers must be aware that failure to disclose any information about a change in their status regarding criminal convictions or Garda Vetting may result in disciplinary action.

8. Re-vetting.

All staff, contractors, and volunteers carrying out relevant work or activities with children will be re-vetted after a period of three years of continuous service or after two years of broken service. The Ark reserves the right, at its discretion, to re-vet staff, contractors, or volunteers at times that it deems appropriate. For example, re-vetting may occur when an individual has

returned to work following a lengthy absence such as a career break. Refusal to be re-vetted, or unreasonable delay in submitting of re-vetting, may result in disciplinary action.

9. Vetting Requirement.

Any individual whose role within The Ark requires vetting will only be permitted to carry out that role once the vetting process has been completed. In the event that the vetting process has not been completed for any individual deemed to be requiring vetting, they will not be engaged or contracted. If appropriately vetted individuals are not available for an event, (even due to short notice cancellation/lack of availability), the event will be reimagined to be delivered by vetted individuals or cancelled/postponed until vetting has been completed.

10. Risk Assessment.

A risk assessment will be conducted when:

- Existing staff, contractors, and/or volunteers inform the organisation of any change in their status regarding criminal convictions or Garda Vetting.
- Re-vetting identifies a change in status regarding criminal convictions or Garda Vetting of an existing staff member, contractor, or volunteer.

The risk assessment will be conducted by the Designated Liaison Person/General Manager (or the Deputy designated Liaison Person/Director if the DLP/General Manager is the subject of the risk assessment) who will ensure that confidentiality is maintained, and the individual's privacy is protected throughout the process.

At an appropriate stage in the process, management may take whatever protective measures are necessary to ensure that no child availing of services is exposed to unacceptable risk. These protective measures are not disciplinary measures and may include:

- Reassigning the staff member, contractor, or volunteer to other duties.
- Providing an appropriate level of supervision.
- Placing The Individual off duty with pay (as appropriate) pending the outcome of the risk assessment.

The views of the Individual will be taken into consideration when determining the appropriate protective measures to take in the circumstances. The final decision, however, rests with management. It should be noted that placing a volunteer individual off duty pending the outcome of the risk assessment will occur only in exceptional circumstances. The staff member, contractor, or volunteer should be informed that the decision to put them off duty is a precautionary measure and not a disciplinary sanction.

In carrying out the risk assessment the following information will be considered:

- The nature of the offence / "specified information" and the potential impact on the individual's ability to safely carry out their role.
- Was the offence / "specified information" committed since commencing employment with The Ark?
- The length of time since the offence / "specified information" occurred and the age of the individual at the time of the offence/ "specified information".
- Does the role involve one-to-one contact with children?
- What level of supervision does the individual receive?

- Does the role involve any direct responsibility for finance or items of value?
- Does the role involve direct contact with members of the public?

The person conducting the risk assessment will document the process and make one of three recommendations:

1. No further action is required, or
2. The individual should remain in the role subject to certain conditions, or
3. Information obtained raises concerns about the suitability of the individual for continued employment/engagement.

The Ark's Director (or Chair if the Director is the Risk Assessor or the subject of the assessment) will review the risk assessment and recommendations, with the assistance of expert advice from The Ark's HR or Legal advisors as required and accept or reject the recommendation. The Director/Chair will determine the status of the staff member, contractor, or volunteers' employment/engagement and invoke appropriate Human Resource or contractual procedures as required.

Any employee subject to disciplinary procedures can appeal the decisions in line with the appeals process laid out in the Employee Handbook.

11. Data Protection.

Applicants and exiting staff members, contractors and volunteers' information will be treated confidentially. The Ark is committed to protecting the rights and privacy of individuals and the Garda Vetting process will be operated in compliance with the Data Protection Acts and Regulations. We will ensure that:

- Information obtained is processed fairly.
- Information will be kept and used for the purposes of Garda vetting and determination of suitability for employment/engagement only.
- Information is used or disclosed for the specified purpose only.
- All information is kept safe, secure, accurate and up to date.
- Information will be retained for the period set out in our data retention policy.
- All those involved in the process will treat all vetting documentation and information in the strictest confidence.
- Information regarding the content of a vetting disclosure will not be shared with anyone other than those involved in the assessment of the information.

Appendix 1. Vetting Invitation Form.

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



The Ark

Your Ref:

Form NVB 1

Vetting Invitation

Section 1 – Personal Information

Under Sec 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is an offence to make a false statement for the purpose of obtaining a vetting disclosure.

Forename(s):																																			
Middle Name:																																			
Surname:																																			
Date Of Birth:	D	D	/	M	M	/	Y	Y	Y	Y																									
Email Address:																																			
Contact Number:																																			
Role Being Vetted For:																																			
Current Address:																																			
Line 1:																																			
Line 2:																																			
Line 3:																																			
Line 4:																																			
Line 5:																																			
Eircode/Postcode:																																			
Applicant's Signature:															Date:	D	D	/	M	M	/	Y	Y	Y	Y										

Note: Please return this form to the above named organisation. An invitation to the e-vetting website will then be sent to your Email address.

Section 2 – Additional Information

Name Of Organisation:

The Ark Children's Cultural Centre

I have provided documentation to validate my identity as required *and*
I consent to the making of this application and to the disclosure of information by the National Vetting Bureau to the Liaison Person pursuant to Section 13(4)(e) National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Please tick box

Appendix 2. Guidance Information.



Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

The Form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The Form should be completed in ball point pen.

Photocopies will not be accepted.

All applicants will be required to provide documents to validate their identity. Please include a scan or photo of the picture page of your current passport and a utility bill or official paperwork giving proof of your current address

If the applicant is under 18 years of age, a completed NVB 3 - Parent/Guardian Consent Form will be required.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

Please fill in your Email Address, allowing one character/symbol per box. This is required as the invitation to the e-vetting website will be sent to this address.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as "Volunteer" will not suffice.

Declaration of Application

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

Appendix 3. Vetting Declaration Form.



Declaration Form for all employees, students, volunteers, contracted artists and all other personnel working in **The Ark**, A Cultural Centre for Children with children and young people (adopted from *Our Duty to Care, Northern Ireland*).

Confidential

Working in **The Ark** involves substantial access to children and as an organisation committed to the welfare and protection of children, we require all employees, volunteers, contracted artists and other personnel working with children to fill out this declaration form.

Surname: _____ **Forename:** _____

Date of Birth: _____ **Place of Birth:** _____

Any name previously known as _____

Have you ever been convicted of a criminal offence or been the subject of a Caution or of a Bound Over Order?

Yes No

If yes, please state below the nature and date(s) of the offence(s):

Nature of offence Date of offence

_____	_____
_____	_____
_____	_____

I, _____ state that there is no reason why I would be unsuitable to work with children.

I hereby authorise The Ark to carry out a Garda Vetting check on my name and will fill in any forms required for this task when they are available.

Signed: _____ **Date:** _____