

Irish Horse Racing & Breeding Industry Child Safeguarding Policy



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Foreword

The application of the HRI Child Safeguarding Policy across the Irish Racing Industry provides us with a firm reminder that children must always be treated with dignity and respect. Any form of abuse – neglect, emotional, physical or sexual abuse is unacceptable, meriting remedial action and consequent intervention to remove any risk to a child's safety. Our Child Safeguarding Statement is on display at our industry locations, to inform all persons of this policy and our duty of care to respond to concerns or allegations arising in relation to the welfare and protection of children and young persons.

Within our expansive industry, we both train and employ young persons under the age of eighteen in a variety of roles: part-time/casual employment, apprenticeships, jockeys and stud and stable staff. It is incumbent on all of us in the industry to ensure that we are in compliance with our duty of care to all these young persons.

Indeed, our duty of care extends to any children visiting our racecourses, participating in events or activities, attending sector premises, or yards throughout the country. It is essential that all employees across the industry respond to children and young persons in a supportive and dignified manner, complying with our standards as espoused in the code of behaviour, within this policy.

From time to time, during the course of our work, we may notice, or be informed, of situations where a child or young person may be at risk of harm, neglect or abuse. Indeed, we may well come into contact with a colleague concerned about a child or young person's welfare or indeed find ourselves in a situation where a young person discloses safeguarding issues directly.

This policy has been designed to ensure that all employees and industry staff know how to report any concern that arises over a child or young person's welfare. In so doing, staff and employees are exercising their duty of care to ensure the safety of all children and young persons engaging in our industry.

In addition, the policy requires mandated persons employed directly, or contracted to the industry, to exercise their legal obligations under the Children First Act 2015 to report any child safeguarding concerns arising in the course of their work, to the appropriate agency- TUSLA and/or the Garda Síochána.

HRI has published this policy to ensure compliance with the current Child Safeguarding Legislation and best practice guidance from TUSLA, the Child Protection Agency. To this end, we will be educating our employees, industry staff & stakeholders throughout the industry as to all our shared responsibilities in this area, how to make a report of concern under this policy and what the implications of what child safeguarding means within each sector.

I urge each and every member of our industry to become familiar with the content of this policy, so that in the event of a disclosure or the reporting of a concern, the necessary actions are followed in the child or young person's best interests, in accord with the outlined policy pathways.

Finally, I wish to note that the policy is an evolving document, subject to on-going review, evaluation & feedback. In this respect it will be reviewed under the auspices of the Board of Horse Racing Ireland every two years and updated in line with best practice and legislation as necessary.

Carol Nolan
Director of People and Industry Education

Glossary of Terms

Child refers to all children and young persons under the age of eighteen in the context of this document, unless they are, or have been, married.

Child Protection and Welfare Report is the form required by TUSLA on which to report child protection/welfare concerns, which the DLP will access in making reports to TUSLA. (As per Appendix 1 of the document - available at: <https://www.tusla.ie/children-first/publications-and-forms/>).

Designated Liaison Person (DLP) is the HRI nominated **contact people** within the horse racing and breeding sector(s) to which any staff member, employee or concerned person can contact to submit or discuss their child welfare concerns, complaint or allegation in relation to the protection and welfare of a child/children.

Duty Social Worker is the contact person in each **TUSLA** location nationally for the initial processing of child protection referrals/ concerns, and the person to whom reports are sent. TUSLA Duty Social Workers are now contacted through 17 Dedicated Contact Points – details are available on the TUSLA website at: <https://www.tusla.ie/get-in-touch/duty-social-work-teams/>

Mandated Persons

Mandated professionals (MP) are professionals already working within the horseracing and breeding sectors who carry an implicit responsibility under the legislation in respect of child safeguarding by the nature of their occupation. Under Schedule 2 of the Children First Act 2015, where they come into contact with child safeguarding or welfare concerns that reach the threshold of harm, these professionals are **mandated** to report these concerns to TUSLA. Examples of mandated personnel working within the are *Medical Officers, Nurses, Counsellors, Physiotherapists, Psychologists and Social Workers*.

The Retrospective Abuse Report Form (RARF) is used for retrospective abuse. (As per Appendix 1, available at: <https://www.tusla.ie/children-first/publications-and-forms/>).

TUSLA is the National Agency with statutory responsibility for the provision of child protection and welfare services and for the receipt of reports under the Children First Act 2015.

Introduction

In line with the HRI Strategic Plan, the mission of Horse Racing Ireland is ‘to develop and promote Ireland’s Horse Racing and Breeding Industries, to administer and govern the sport of horse racing in Ireland, to cultivate and promote the highest standards of integrity and welfare’. As an organisation which provides governance for the Irish Racing Industry, Horse Racing Ireland is defined under the Children First Act 2015 as a ‘relevant service’ where frequently sectors of the industry, racing venues, training centres and all our staff of the industry come into contact with children.

HRI is committed to ensuring that all children while either participating or attending any events related to racing, breeding or industry services/ activities are safeguarded. Consequently, all staff within our industry share the responsibility to ensure the safety of children at all times, while in attendance at any racecourses, licensed or affiliated premises or engaged in any aspect of our industry. To this end HRI endorse their corporate responsibilities in safeguarding and adopting best practice through policy and training to ensure that the principles of a safeguarding approach to children are upheld at all times.

This policy document endorses the roles and responsibilities of all staff/ employees in child safeguarding to ensure the essential reporting of child welfare & safeguarding concerns to the relevant statutory agencies – TUSLA and the Garda Síochána, in a timely and effective manner. Children have the right to be listened to at all times, the right for any concerns relating to their welfare to be represented and brought directly to the attention of the appropriate authority.

This policy has been developed to ensure that all industry sectors are aware of their individual responsibilities in respect of child welfare and that they know where to bring a concern about any child/ children. This policy details the guidance & protocol so that concerns arising about the safeguarding of children can, in accord with the Children First Act 2015, be referred through the named industry pathways to the appropriate statutory agencies.

1. DEFINITION AND RECOGNITION OF TYPES OF CHILD ABUSE

Child abuse can be categorised as follows: Neglect, Emotional abuse, Physical abuse & Sexual abuse. A child may be subjected to more than one form of abuse at any given time. Under the Children First National Guidance of the Protection and Welfare of Children, the following definitions in respect of child abuse apply:

1.1 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 **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. Impairment to a child's health, development or welfare is related to the extent of positive influence in the child's life, if any, as well as the age of the child and the frequency and consistency of the neglect.

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

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. Examples include:

- 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
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger
- Persistent failure to attend school
- Abandonment or desertion

1.2 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.

Emotional abuse occurs when a child's basic needs for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse is not easy to recognize because the effects are not easily seen. Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. **It occurs when a child's developmental need for affection, approval, consistency and security are not met.** It is rarely manifested in terms of physical symptoms. Examples may include:

- The imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming.
- Conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions.
- Emotional unavailability by the child's parent/carer.
- Unresponsiveness of a parent/carer and /or inconsistent, or inappropriate expectations of a child.

- Premature imposition of responsibility on a child.
- Unrealistic or inappropriate expectations of a child's capacity to understand something or to behave and control himself/herself in a certain way.
- Under or over-protection of a child.
- Failure to show interest in, or provide age-appropriate opportunities for, a child's cognitive and emotional development.
- Use of unreasonable or over-harsh disciplinary measures.
- Exposure to domestic violence.
- Exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and development underachievement, and oppositional behaviour.

The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent. 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 is more likely to impact negatively on a child where it is persistent over time and where there is an absence of other protective factors for the child. Emotional abuse may be observed 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 or 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
- Inappropriate expectations of a child relative to his/her age or stage of development

1.3 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.** The Children First Act includes a provision that abolished the common law defence of '*reasonable chastisement*' hitherto cited in court proceedings. Physical abuse can include any one or a number of 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

1.4 SEXUAL ABUSE

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, anal or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Examples of child sexual abuse include:

- Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child
- Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of the child or the involvement of the child in an act of masturbation
- Sexual intercourse with the 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 acts, including its recording on film, videotape or other media) or the manipulation for those purposes, of an image by computer or other means, citing, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts.

Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (*on film, video tape or other media*) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the '*grooming*' process by perpetrators of abuse.

Consensual sexual activity involving an adult and an underage person.

In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

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

1.5 REASONABLE GROUNDS FOR CONCERN

The guiding principles on reporting child abuse or neglect may be summarized as follow:

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

Reasonable grounds for concern exist when a child may have been, is being, or is at risk of being abused or neglected.

It is not necessary to prove that abuse has or is about to occur, in order **to report a concern** to TUSLA.

Reasonable grounds for a child protection or welfare concern include:

- Evidence of an injury or behaviour that is consistent with abuse and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw the child being abused.

1.6 THE ROLE OF THE DESIGNATED LIAISON PERSON (DLP)

The Designated Liaison Person (DLP) is a named contact person in the event of any concern being raised in respect of child safeguarding.

The role of the Designated Liaison Person is to:

1. Assess if there are reasonable grounds for concern in respect of child welfare, neglect or abuse in the matter(s) brought to their attention.
2. Ensure subsequently that the appropriate action is taken in that these reasonable concerns raised are recorded and passed onto TUSLA under this policy.
3. Ensure the safe retention of all records in relation to the concern raised.
4. Record any notifications/ reports of concern from the mandatory persons within the industry.
5. DLP's will be nominated by the relevant industry sectors and approved by HRI, who will provide requisite training.

The training arranged by HRI will establish the detail and responsibilities of the role which include the following:

- Receives concerns or allegations of welfare, neglect or abuse.
- Appraise the relevant information to establish reasonable grounds for concern or otherwise.
- Make informal and formal consultations with the TUSLA Duty Social Workers for the area to assist establishing if there are reasonable grounds for concern.
- Complete the necessary reporting procedures through the TUSLA's web portal.
- Keep up-to-date knowledge and understanding of HRI's procedures and protocols in respect of Child Safeguarding.
- Maintain appropriate records.
- Advise the referring party, that if they continue to have concerns, they are free to consult and / report the matters of concern directly to TUSLA or An Garda Síochána.

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally by the DLP as future concerns may lead to the decision to make a report. Earlier recorded suspicions may provide important information for TUSLA or An Garda Síochána. If the DLP is unsure whether the **concern** constitutes reasonable grounds for reporting/referral to TUSLA, he/she may seek the guidance of the TUSLA Duty Social Worker.

Where a DLP decides NOT to pass on the concern brought to their attention to TUSLA or An Garda Síochána, they will first consult with the HRI DLP and the nominated HRI Human Resources representative. Following such consultation he/she will then inform the concerned person and give a clear written statement as to their decision.

The staff member/ employee/ concerned person must also be advised that if they remain concerned about a situation, they are free as individuals to consult with, or report directly themselves to TUSLA or An Garda Síochána.

The provisions of the **Protections for Persons Reporting Child Abuse Act 1998** apply once they communicate “*reasonably and in good faith*”. Where a mandated person has jointly reported with the DLP their concerns upon reaching or exceeding the threshold of harm to TUSLA, the same provisions apply.

A DLP, who suspects child abuse or neglect, should inform the parents/carers if a report is to be submitted to TUSLA or to An Garda Síochána, unless such action is likely to endanger the child.

The DLP will inform his/her employer and HRI DLP that a report has been submitted to TUSLA. No details of any kind should be given. Reports are made to the local TUSLA Duty Social Worker.

Potential risks to unidentifiable children should be reported, e.g. in the case of retrospective disclosure of abuse by an adult.

1.7 THE ROLE OF MANDATED PERSONS

(CHILDREN FIRST 2015 ACT, SEC. 14)

Mandated persons are those persons designated under the Act as having a specific professional obligation to respond, through reporting, when in their professional capacity they either come across child safeguarding issues or are informed of same. Under the Children First 2015 Act, Mandated Persons are 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. Under mandated reporting, the **legal threshold for reporting** has been reached where **the child has suffered, is likely to suffer, or is suffering harm**. The defined threshold for reporting to TUSLA applies to the four types of abuse- Physical abuse, Neglect, Emotional abuse/ill treatment and Sexual abuse.

Section 14 of the Children First 2015 Act requires Mandated Persons to report a mandated concern to TUSLA as soon as possible, using the appropriate Child Protection and Welfare Form (CPWRF) (Appendix 1). The form can be either sent by registered post or submitted electronically to TUSLA, through the web portal: <https://www.tusla.ie/children-first/web-portal/>. Where an urgent concern exists, **the mandated person is required to contact TUSLA directly with the DLP** and then submit the required form, within three days of making the report.

A Mandated Person submits their report in conjunction with the DLP where they have become aware of a risk or incidence of harm at the appropriate threshold of concern.

If the Mandated Person is required to share information with TUSLA when assisting in the assessment of risk to a child, he/she is protected from civil liability under Section 16 (3) of the Children First 2015 Act. Mandated assistance may include a request to provide further information over the phone, produce a verbal or written report or attend a meeting. (*See protocol on the TUSLA website*). It is an offence for a mandated person to share information received in the course of an assessment with a third party, without authorisation from TUSLA.

1.8 MANDATED PERSONS & RETROSPECTIVE DISCLOSURE

Mandated Persons, as with all staff/ employees, are required to report retrospective disclosures to TUSLA - as the alleged perpetrator may continue to pose a risk to children. Reports may be made using the **Retrospective Abuse Report Form (RARF)** (Appendix 1). The reporting requirements under the Act apply only to information that a mandated person received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, the Mandated Person may report information received before the Act came into force, under the Children First Guidance.

For full explanation of the role of the Mandated Person in relation to reporting concerns which meet the threshold, see Children First- National Guidance Document 2017, TUSLA’s Guide for the Reporting of Child Protection and Welfare Concerns, the TUSLA website www.tusla.ie and the Children First Act (2015) sections 2 & 14. An e-learning programme is available for mandated persons on the TUSLA website.

Horse Racing Ireland, as required under Section 2 Schedule 2 of the 2015 Act (Appendix 2) **will keep a list of all mandated personnel** within the employment of the racing industry and maintain same on the official website.

1.9 REPORTING SUSPECTED, DISCLOSED OR ALLEGED ABUSE

It is **not the duty** of anyone within the horse racing and breeding sector, including any appointed Designated Liaison Persons (DLPs) to **directly establish** if child abuse, in any of its forms, has taken place. This is in order that the appropriate agencies can then make the necessary enquiries and take any appropriate action to protect the children concerned.

However, there is a responsibility **to protect children and young people** when engaged in activity of any nature (e.g. educational, horse riding, visiting yards, racecourses, sales or events, casual work or student placements) within the industry.

The signs and symptoms of child abuse can often be unclear, ambiguous or difficult to confirm (Appendix 3) and it should therefore be left to the TUSLA Child Protection Social Workers and members of An Garda Síochána with the necessary skills and training to make a full assessment.

All investigations into accusations/allegations must be left to the TUSLA Child and Family Agency.

Early intervention in suspected cases of child abuse may reduce the risk of serious harm occurring to a child in the future. Staff members or employees within the industry who are uncertain about the validity of their concerns may discuss them initially with the DLP, or a TUSLA Duty Social Worker. This will facilitate the submission of a complaint, either on the Internal Reporting Form (Appendix 1) or TUSLA's secure Web Portal or Child Protection and Welfare Report Form (CPWRF) (Appendix 1) or Retrospective Abuse Report Form (RARF) (Appendix 1).

The Protection for Persons Reporting Child Abuse Act (1998) provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to TUSLA or An Garda Síochána.

The main relevant provisions of the Act are:

- a) Immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers in TUSLA, HSE or any member of An Garda Síochána.
- b) Significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal.

Giving information to TUSLA and An Garda Síochána for the protection of a child does NOT constitute a breach of confidentiality or data protection.

2. ACTIONS TO BE FOLLOWED AS A RESULT OF A CONCERN

If anyone working in the horse racing and breeding industry is concerned about a child's protection or welfare, the situation should be dealt with as follows:

1. Observe and note dates, times, locations and contexts in which the incident occurred, or suspicion was aroused, together with any other relevant information to be forwarded to the relevant DLP and stored securely.
2. The concerned person discusses their concerns with the DLP. The DLP will only raise concerns with the parent/guardian where this would NOT pose any threat or further danger to the child. All concerns and discussions are recorded. Checking out concerns should NOT happen in the case of a disclosure or allegation of abuse.
3. Report the matter immediately to the relevant DLP on the Internal Reporting Form (Appendix 1) and record that they have reported.
4. Where suspected child abuse is reported to the DLP, he/she will, having established reasonable grounds for concern, forward the information without delay to the TUSLA Duty Social Worker, regardless of whether the source wishes to be identified or not. This report should be made on the secure web portal or on the Child Protection and Welfare Report Form or Retrospective Abuse Report Form (Appendix 1).
5. The source of the concern/allegation/complaint should be made aware that the DLP will be reporting the information.
6. For mandated reporting concerns, the DLP and the mandated person will jointly appraise if the concern has reached or exceeded the threshold for harm.

2.1 EMERGENCY - IMMEDIATE RISK OF HARM

Any person/member of staff should contact TUSLA and/or the GARDA SIOCHANA in the event of immediate risk of harm to a child/young person. When contact is made, the staff member should inform the relevant DLP of the contact that has taken place, to ensure that HRI are aware of the situation.

In the event of an **emergency** where the DLP believes that a child **may be in immediate** danger and where contact with TUSLA Duty Social Worker is NOT possible, the DLP should directly contact An Garda Síochána.

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of "**reckless endangerment of children**". The section states: A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by:

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

OR

- b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, **is deemed under law to be guilty of a serious indictable criminal offence.**

In the event of any concerned person within the industry receiving **information** in respect of a suspicion of child abuse/welfare concern from a third party, this must be reported through the relevant DLP to the local TUSLA Social Work Service, which will then investigate the concerns.

Where a Mandated Person receives information that meets or exceeds the threshold of harm, the Mandated Person must notify TUSLA jointly with the DLP.

2.2 RESPONDING TO A CHILD THAT DISCLOSES ABUSE

For Mandated Persons, they need to be mindful of their professional responsibilities under the Children First Act – i.e. **disclosures of abuse by children constitute the threshold of harm being reached.**

A child may disclose abuse to any person within the horse racing and breeding industry when engaged in interaction/activity with them.

In the event of a disclosure and in so far as is practical, all persons under this safeguarding policy are required to follow the guidance below:

- Be as calm and natural as possible.
- Remember that you have been approached because the child/young person may perceive *you as a safe person to talk to*. You will also have the support of the DLP around processing the disclosure.
- Be aware that disclosures can be very difficult for any child/young person.
- Remember, the child may initially be testing your reactions and may only fully open up *over a period of time*.
- Listen to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to, at that point.
- Do not pressurize the child. Allow him/her to disclose at their own pace and in their own language.
- Conceal any signs of shock, disgust, anger or disbelief.
- Accept what the child has to say – false disclosures are very rare.
- It is important to avoid expressing any judgment on, or anger towards, the alleged perpetrator while talking with the child.
- It may be necessary to reassure the child that your feelings towards him/her have not been affected in a negative way as a result of what they have disclosed.
- When asking questions, questions should be supportive and for the purpose of clarification only.
- Avoid leading questions, such as asking whether a specific person carried out the abuse.
- Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate the official investigation.

2.3 PARENTS/ GUARDIANS - CONTACT IN THE EVENT OF A SAFEGUARDING REFERRAL

It remains best practice to keep parents/guardians informed of any developments in relation to the safety and welfare of the child. If the DLP or a Mandated Person is making a report to TUSLA, it is important for the referring DLP/Mandated Person to inform the parents/guardians of the child. However, there may be circumstances where it may be immediately unsafe for the child or exacerbate the risk, if this information is communicated, i.e. that by so informing the parent/guardian, the child might be inadvertently placed at further risk of harm. Where there is uncertainty, informal discussions with the Duty Social Worker in TUSLA should help determine the appropriate course of action.

2.4 RETROSPECTIVE DISCLOSURES BY ADULTS

An increasing number of adults are disclosing abuse to colleagues and professionals that took place during their childhoods. The DLP should report the concern to TUSLA using the Retrospective Abuse Report Form (RARF) (Appendix 1).

TUSLA may wish to establish whether there is any current risk to any child who may be in contact with the alleged abuser, revealed in such disclosures.

If a mandated person receives the disclosure, they are required to make a joint report with the DLP in line with their legal responsibilities under the Children First Act. The DLP cannot make a mandated report on their behalf.

Any adult disclosing past abuse should be informed of the National Counselling Service which provides a free and confidential service to adults across the country. The Service can be contacted via their website www.hse-ncs.ie or freephone 1800 234112.

Contact details of this service should be furnished to the person disclosing.

See Appendix 1 for further clarification.

2.5 CONFIDENTIALITY

The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a **need-to-know basis only** and preferably kept at a local level. Information should be securely stored with access through the DLP only.

All information and records should be maintained in accordance with Data Protection legislation.

The effective protection of the child often depends on the willingness of the people involved with children to share and exchange relevant information in the best interests of the child. Therefore, it is critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

No undertaking of secrecy can be given. Those working with the child and the family should make this clear to all parties involved, although they can be assured that all information will be handled sensitively 'on a need-to-know basis' taking full account of legal requirements.

The parents/guardians/carers and children have a right to know if their personal information is being submitted to TUSLA or to An Garda Síochána, ***unless doing so is likely to endanger the child or to impede TUSLA's assessment.***

Under the Freedom of Information Acts 1997 and 2003, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. **It is essential that all records are factual and do not contain speculation or judgement.**

In the event of refusal of access, the decision may be appealed. The ultimate arbiter is the Information Commissioner. At present, these Acts apply to TUSLA but not to An Garda Síochána.

The Data Protection Acts 1988 and 2003 afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. However, in the event of an appeal to the Freedom of Information Commissioner, there is no set guarantee of confidentiality.

Horse Racing Ireland is committed to cooperating with TUSLA on the sharing of their records as required, where a child welfare or protection issue arises. As appropriate, the DLP and/or any nominated HRI personnel are required to attend any meetings organised by TUSLA in relation to any referred child protection issues.

Mandated Persons are obliged to assist TUSLA Social Workers in the assessment process, following reporting of a concern. All mandated persons can be requested by TUSLA to provide any necessary and proportionate assistance to aid TUSLA in assessing the risk to a child arising from a mandated report.

2.6 INFORMATION SHARING & RECORD KEEPING

HRI and EQUUIP promote events, training and activities for children and young persons to attend, both through the HRI Website and on social media. In many instances, registration is required for attendance and permission to attend requires the parent/guardian to complete the registration process. Where the attendance of a guardian or parent is a requirement, this will be made explicit at the outset in the registration process by HRI / EQUUIP.

Schools/Youth or Community Groups availing of participation or attendance at HRI sites or events are required to comply with the school or group's existing consent policy and protocols. **Therefore, the responsibility for supervision will remain with the accompanying adult personnel from either the school or youth/community group.**

HRI encourages constructive feedback from groups, children and young person's attending events, including any suggestions in respect of enhancing existing safeguarding protocols.

All safeguarding records will be in line with HRI best practice information technology standards for the safe storage of data. In terms of paper records, these will be secured in locked filing cabinets and in terms of electronic records, these records will be kept on HRI encrypted PCs and devices. Records will be kept as to the actions taken in relation to any child safeguarding referral by both the DLP and the Mandatory Person.

2.7 ANONYMOUS COMPLAINTS

Under this Child Safeguarding policy, the horse racing and breeding sectors, including DLPs and Mandated Persons, are not permitted to make anonymous complaints to TUSLA and must comply with the requirements of this policy. Where a concerned person making a referral wishes to have their details kept confidential, they must inform TUSLA of this request.

However, if the DLP or a Mandated Person actually receive anonymous complaints, this type of complaint will be responded to in exactly the same way as an identified referral party/source. In all cases the safety, protection and welfare of the child/children is paramount. Any complaints relating to inappropriate behaviour should be brought to the attention of the DLP.

2.8 SAFE RECRUITMENT PROCEDURES FOR ALL INDUSTRY STAFF/PERSONNEL

Within this policy it is expected that each sector within the horse racing and breeding industry ensures a safe working place for their staff by complying with best practice in recruitment protocols and where applicable, statutory Garda Vetting requirements.

The National Vetting Agency process is centred on the Children and Vulnerable Persons Act 2012. This Act provides a legislative basis for the mandatory vetting of persons who wish to undertake certain work, activities or services relating to **children or vulnerable persons**.

Additionally, vetting is conducted in respect of applicants for designated positions in Government Departments, Statutory Agencies and Local Authorities and applicants for positions in any other category of organisation that may be prescribed by Legislation or Regulation.

2.9 PROCEDURE FOR RESPONDING TO ALLEGATIONS OF ABUSE, AGAINST ANY PERSON EMPLOYED WITHIN THE HORSE RACING AND BREEDING SECTOR

In the case of an allegation of child abuse by a person within the industry, the immediate safety of the child who is subject of the allegation and any other persons who may be at risk should be ensured. This takes precedence over any other consideration. The matter will be reported to TUSLA following the standard reporting procedure outlined above.

In this regard, the relevant employer within the sector will take any steps that may be immediately necessary to protect children. There should be no delay in reporting any concern over the protection and welfare of a child to TUSLA and An Garda Síochána.

Two pathways of action follow where a complaint has been received against a person - firstly the protection of the child who is subject of the concern in terms of notification by the DLP to TUSLA and/or Gardai as to the concern and secondly, the relevant employment procedures to address the alleged person in terms of investigation, with due regard to the principles of natural justice.

Recommendations for employer within this policy following receipt of a complaint against an employee.

When an allegation is against an employee, the person will be treated in accordance with the principles of natural justice and signposted to any available internal/external supports.

Where the allegation has been made to the relevant DLP, the immediate responsibility of the DLP is to ensure the safety and wellbeing of the child or children.

The recipient of the complaint (and/or DLP) must inform the employer without delay. The employer is then **responsible for taking the necessary protective action proportionate to the level of risk to the child.**

The consequent actions by the employer will depend on whether the allegation is:

- One of child abuse
- A complaint or raised concern about the alleged behaviours of a staff member.
- An alleged breach of the Code of Behaviour has taken place.

Where an allegation of abuse has been received about a staff members behaviour, the staff member will be removed from any role, work assignment, duty or access that could possibly entail contact with children, pending the outcome of any investigation.

All persons involved in a child protection process (the child/young person, his/her parents/guardians, the alleged perpetrator, his/her family, should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.

The child involved and his/her parents must be kept informed of all actions planned and taken by the Designated Liaison Person.

3.0 CODE OF BEHAVIOUR BETWEEN INDUSTRY STAFF AND CHILDREN

HRI is committed to ensuring that all people within the horse racing and breeding sectors consistently behave with dignity and respect towards children/young persons and represent the industry in a positive and professional manner.

All persons are required to observe good work practices to ensure that every child remains safe and has a favourable interaction when engaged in racing activity events, outings, yards or premises.

As a result, these guidelines are in place to ensure that best practice is adopted and maintained at all times by persons when interacting with children and young persons, to ensure that their safety remains of paramount importance at all times. Safety should take precedence over all other considerations. The following conditions provide a framework for the expectations of persons within our industry in relation to all interactions with children/young persons:

All children should be treated equally regardless of gender, race, culture or disability. Children have a right to be protected, treated with respect, listened to and have their own views taken into consideration, in line with the Equal Status Acts 2000-2012.

- a) Children that attend an industry premises for any event or activity should always be accompanied by a responsible adult, usually the group leader, at all times.
- b) Staff members should always ensure that they are never left alone with a child or group of children without the presence of a responsible adult.
- c) Staff members should work in a minimum of pairs and have the required number of members to supervise and ensure safety while doing any activity.
- d) In relation to children with a disability, tailored intimate care procedures may be put in place for those who require assistance with tasks of a personal nature. These procedures will be carried out by the child's or visiting organization's carers that are supervising the individual or group and not by industry staff members.
- e) Communication between racing industry staff members and children should be professional at all times and should normally include the presence of a responsible adult namely a parent, teacher, coach, carer etc. Staff/employees should only communicate with young people via work phones, text and or email in exceptional circumstances, with prior parental consent and should refer directly and exclusively to HRI activity. Private phones should not be used for contact. Staff members must NOT contact or communicate with children/ young persons through any social media, social networking or messaging sites (*such as Facebook, Twitter, WhatsApp, Instagram etc.*).
- f) The use of mobile phones/cameras or other recording devices is strictly prohibited in shower rooms/changing areas by any person using these facilities.
- g) Staff must not make comments, jokes or innuendos of a sexual nature to a child or in the presence of a child or group of children.
- h) Staff should be sensitive to the possibility of becoming over involved or spending too much time with an individual young person.
- i) Where a member of staff/employee has a concern about the nature of a particular relationship involving either themselves or indeed another staff member with a child/young person, they should discuss it with their DLP.
- j) Under NO circumstances should alcohol, tobacco, non-prescription or illegal drugs be given to any child/young person. Alcohol should never be consumed by staff either before engaging with children/ young persons, during activities or on outings with children/young persons.
- k) All staff are actively encouraged to report cases of bullying behaviours between children to the responsible adult or point of contact for a child or group of children.
- l) Instances where a child or young person, while engaged in a racing industry activity, displays challenging behaviour or refuses to comply a reasonable direction from industry staff, instructors or professionals, will be referred immediately to the accompanying responsible adult/parent or contact person, for resolution.
- m) Staff/employees must never physically reprimand, punish or be in any way verbally abusive to a young person. Verbal abuse, or any form of communication that constitutes bullying, represents a breach of this code and is unacceptable behaviour. Any incidence of this nature should be reported to the DLP as well as following internal procedures.
- n) Staff members should not give lifts in their own or industry provided motor vehicles to any child/ young person that is engaged in events or activity attendance, learning, apprenticeship or industry related activity (open days,

career days). In addition, staff members should never bring children/young person to their own or another staff member's home.

All staff members should respect the personal space, safety and privacy of individuals. Staff Members should not engage in playful behaviour with children or young persons.

3.1 INCIDENT OF CONCERN IN RELATION TO A COLLEAGUE

The Protective Disclosures Act 2014 aims to protect personnel who raise concerns about possible wrongdoing in the workplace (Appendix 4).

- a) In the event of an incident where a member of staff/employee feels his/her actions may have constituted a breach of the code of behaviour, the employee must immediately inform his/her line manager. This information should be communicated without delay to the DLP by the line manager.
- b) If there are concerns that someone working within the industry may have breached the code of behaviour, that concerned person must immediately inform the employer. This information should be directly forwarded & communicated to the DLP.

3.2 SAFE MANAGEMENT OF ACTIVITIES AND EVENTS

In tandem with the HRI risk management policy, (Appendix 6) all activities and events where children are invited to attend by HRI or any sector within the industry, are subject to risk assessment. HRI and all relevant industry bodies must endeavour to provide safe and enjoyable services to children at events and activities designed for their participation through:

- Ensuring appropriate planning and consideration is given to the safety of event
- Ensuring a risk assessment is completed on the activity/event concerned
Obtain consent through the management structure to hold the event/activity and notify the appropriate personnel of same
- Ensure there are sufficient staff present to monitor and supervise the event/activity
- Ensure that application procedures for participation have been approved by parent(s)/guardians
- Ensure that the content of the event/activity is age appropriate and that where appropriate children and their families are included in the participation
- Remind all staff at the event of their obligations under this policy and all welfare related policies, including the standards expected from staff in accord with the code of behaviour
- Notification to the DLP and Mandatory Personnel of the event/activity
- Display of the HRI safeguarding statement and named contact person at the event/activity

3.3 GUIDELINES FOR TAKING PHOTOGRAPHS AND VIDEOS AND PUBLISHING IMAGES ON RACING INDUSTRY WEBSITES

HRI adopts a positive approach in publicising members of the industry engaged in activities which promote the industry and well-being of our staff. However, children, as well as adults, have a right to privacy and therefore their consent should be sought in relation to use of personal data, including images.

In the case of Children & Young Persons, **parental consent** and the consent of the **child/young person** should be sought **in advance** of any photographs being taken. It is imperative that full information is provided to parents/guardians on how and for what purpose images will be used.

The Internet is a public, accessible and largely unregulated media. Decisions to post information, including images, on websites should take account of this fact. Photographs reveal a substantial amount of information, through which children may be identified. For example, images accompanied by personal information (name) is a member of (local group/school, youth club) and recently took part in (a named activity) - could be used by an individual to learn more about a child or young person and used to form an inappropriate relationship or engage in a process of 'grooming' the child/young person for abuse.

The following procedures are required by HRI in relation to use of images:

- a) Permission to take and use images of children can be requested as part of their registration process for an activity, programme or event. This can be verified on the consent form.
- b) Refusal of consent should NOT in any way limit children or young people's participation in activities.
- c) Recorded images should only be made, kept and used where there is a valid reason associated with the activity involved.
- d) Recording of images should be supervised as would any other activity.
- e) Children, young people and their parents/carers should be informed in advance if and when, images will be taken and their consent sought for image retention and use. This process is known as informed consent. Children, young people and parents should be informed as to how and where images will be used.
- f) Images should only be used for the purpose(s) agreed.
- g) Images should only be used in the intended context and should NOT be used out of context.
- h) In general, individual children should not be identified, with the exception being where they are being publicly acknowledged (e.g., an award, performance, achievement) for which consent has been given.
- i) For publicity purposes, group photographs are preferable to individual ones.
- j) Ensure all children or young people are appropriately dressed.
- k) Ensure that images do NOT contribute to or expose children to embarrassment, distress or upset.
- l) Use images that represent the diversity of children participating in any given activity or setting.
- m) Do NOT use images of children or young people who are considered vulnerable or whose identity may require protection.
- n) Where images are kept for future use, relevant names, dates and other contextual information should be stored with them as well as signed consent for their usage.
- o) Images should be carefully stored, with consent attached or cross referenced.
- p) Images should only be passed to third parties for their use where this has been explicitly agreed as part of the consent process. This can be arranged prior to the activity.

4.0 CHILD SAFEGUARDING TRAINING

HRI will ensure that all industry sectors are informed of this policy, its contents and responsibilities in relation to safeguarding. HRI will identify the Designated Liaison Persons for the various sectors within the industry and standardise the training required for this role.

All staff who work directly with children or young persons are required to undergo the TUSLA e-learning module (<https://www.tusla.ie/children-first/children-first-e-learning-programme/>) and provide proof of completion. All mandatory persons will be required to provide evidence to HRI that they have completed the e-learning training also within a specified timeframe from the date of this policy's implementation across the industry. The training undertaken will be reviewed at year end of the policy's first year of implementation in order to establish that it is meeting the needs of the staff learning in this area of safeguarding.

Appendices



Appendix 1: Child Safeguarding Information Sources

INTERNAL REPORTING FORM CHILD WELFARE & PROTECTION COMPLAINT

Staff members or employees within the industry who are uncertain about the validity of their concerns may discuss them initially with the DLP, or a TUSLA Duty Social Worker. This will facilitate the submission of a complaint, either on the Internal Reporting Form, TUSLA’s secure Web Portal, Child Protection and Welfare Report Form (CPWRF) or Retrospective Abuse Report Form (RARF).

The image shows two pages of a 'CHILD SAFEGUARDING CONCERN REPORT FORM'. The left page is titled 'REPORTER DETAILS' and contains fields for: Full Name, Role, Date & Time of Report, Phone Number, Email, Child/Young Person Details (Full Name, Age, Role/Connection to the Industry, Contact, Address, Parent/Guardian(s) Name(s) and Phone Number(s)), and Incident(s) Details (Date & Time of incident(s), Location(s), Description of Concern). The right page is titled 'INCIDENT(S) DETAILS CONTINUED' and contains fields for: Any Visible Injuries or Distress, Any Witnesses (Name & Contact Number), Action Taken (Reported To: TUSLA, DLP, An Garda Síochána, Emergency Services; Immediate Action (First Aid, Parental Contact, Gardaí Notified etc.)), Reported by Signature, Designated Liaison Person Signature, and Date.

Please see link to the Internal Child Safeguarding Concern Reporting Form

<https://www.equip.ie/getmedia/ea3911e0-f301-47b4-8e0b-e6e831736265/Child-Safeguarding-Concern-Report-Form.pdf>

TUSLA CHILD PROTECTION AND WELFARE REPORTING FORM (CPWRF)

CPWRF: <https://www.tusla.ie/uploads/content/Child Protection and Welfare Report Form FINAL.pdf>

CPWRF Guidance Notes: https://www.tusla.ie/uploads/content/CPWRF_Guidance_Note_FINAL.pdf

TUSLA An tSúil le h-Éireann
 Local Offices in Tipperary, Child and Family Agency

Child Protection and Welfare Report Form

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

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

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

2. Date of Report*

3. Details of Child

First Name*	Surname*
Male* <input type="checkbox"/>	Female* <input type="checkbox"/>
Date of Birth*	Estimated Age*
Address*	School Name
Eircode	School Address

4. Details of Concerns*

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

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

5. Type of Concern

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

6. Details of Reporter

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

TUSLA An tSúil le h-Éireann
 Local Offices in Tipperary, Child and Family Agency

Child Protection and Welfare Report Form

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

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

Mandated Person's Type

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

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

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*

If the parent/carer does not know, please indicate reasons:

9. Relationships

Details of Mother

First Name	Surname
Address	Mobile No.
Eircode	Telephone No.
	Email Address

Is the Mother a Legal Guardian?* Yes No

Details of Father

First Name	Surname
Address	Mobile No.
Eircode	Telephone No.
	Email Address

TUSLA An tSúil le h-Éireann
 Local Offices in Tipperary, Child and Family Agency

Child Protection and Welfare Report Form

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

Is the Father a Legal Guardian?* Yes No

10. Household Composition

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

11. Details of Person(s) Allegedly Causing Harm

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

Relationship to Child

Address at time of alleged incident

If name unknown please indicate reason

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

Relationship to Child

Address at time of alleged incident

If name unknown please indicate reason

TUSLA An tSúil le h-Éireann
 Local Offices in Tipperary, Child and Family Agency

Child Protection and Welfare Report Form

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

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

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

13. Any Other Relevant Information, including any Previous Contact with the Child or Family

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

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

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

Report Received by

First Name	Surname	Date
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Mandated Report Acknowledgement by

TUSLA – RETROSPECTIVE ABUSE REPORT FORM (RARF)

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

RARF Guidance Notes: https://www.tusla.ie/uploads/content/RARF_Guidance_Note_FINAL.pdf

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Retrospective Abuse Report Form
 MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

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

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

2. Date of report*

3. Date information was received by reporter*

4. Reporter details if third party*

First name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
Eircode	Position held
	Mobile no.
	Telephone no.
	Email address

Reporter's relationship to adult complainant

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

Mandated person's type:

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

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

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

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Retrospective Abuse Report Form
 MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

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

First name	Surname
Male <input type="checkbox"/>	Female <input type="checkbox"/>
Address	Date of birth
	Estimated age
	Previous address, if known
Eircode	

7. Type of abuse being reported*

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

8. Details and description of alleged abuse*

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

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

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

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

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Retrospective Abuse Report Form
 MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

10. Details of PSAA's social and employment status

11. PSAA household composition

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

12. Does the PSAA have contact with children?* Yes No

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

Details of child

First name	Surname
Address	Mobile no.
	Telephone no.
	Email address
Eircode	Date of birth
Age	Parent/carer's names
Parent/carer's names	Relationship to PSAA
Relationship to adult complainant	
Frequency of contact, if known	Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown <input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?* Yes No

If yes, please provide detail:

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?* Yes No

If yes, please provide detail:

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Retrospective Abuse Report Form
 MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

15. Based on information known at this time, has a report been made to An Garda Síochána?* Yes No

Garda name:	Telephone no.
Garda district:	Email:
Address:	PULSE ID number:
	Date notification email:
Eircode	Date report made:

16. Is the PSAA aware of this report?* Yes No

If yes, please provide further details:

17. Any additional information Yes No

Please provide any further information that will assist Tusla in assessing and prioritising this report.

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

Please ensure you have indicated if this is a mandated report in section 2.
 Thank you for completing the report form.

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

Report received by		
First name	Surname	Date

Mandated report acknowledgement by		
First name	Surname	Date sent

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Retrospective Abuse Report Form
 MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

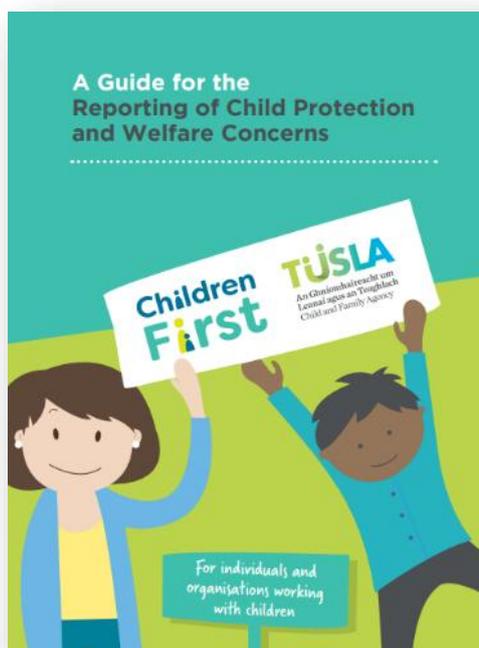
Authorized person signature*

Date*

Child previously known Yes No

Allocated case no.

A Guide for the Reporting of Child Protection and Welfare Concerns

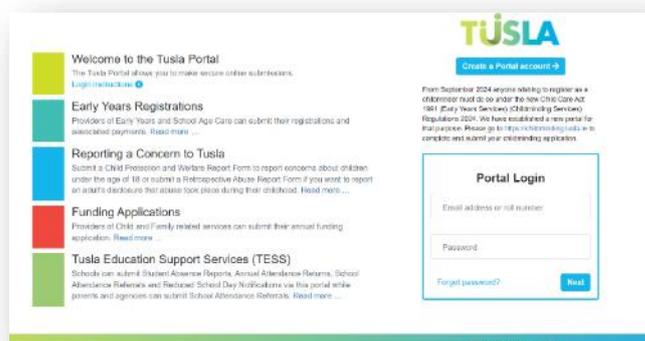


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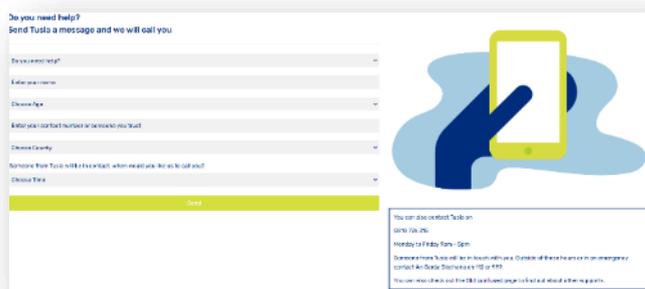
<https://www.pdst.ie/sites/default/files/Tusla%20Guide%20to%20Reporting%20CP%20and%20Welfare%20Concerns.pdf>

TUSLA Web Portal:

The TUSLA Portal allows users to securely submit Child Protection and Welfare Report Forms (CPWRFs) and Retrospective Abuse Report Forms (RARFs) to TUSLA online. To use the TUSLA Portal, you will first need to create a user account. Please see link to portal <https://www.tusla.ie/children-first/web-portal>



TUSLA Contact Us: <https://portal.tusla.ie/changingfutures/contactus>



Children First National Office Contact Details:

<https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/contactus/>

Appendix 2: MANDATED PERSONS (SCHEDULE 2 OF THE ACT)

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - a) manager of domestic violence shelter;
 - b) manager of homeless provision or emergency accommodation facility;
 - c) manager of asylum seeker accommodation (direct provision) centre;
 - d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - f) manager of a language school or other recreational school where children reside away from home;
 - g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - h) director of any institution where a child is detained by an order of a court;
 - i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
 - k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who —
 - a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
17. Foster carer registered with the Agency.
18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

APPENDIX 3: Indicators for child protection and welfare concerns

1. Neglect

Child neglect is the most common category of abuse. A distinction can be made between 'wilful' neglect and 'circumstantial' neglect. 'Wilful' neglect would generally incorporate a direct and deliberate deprivation by a parent/carer of a child's most basic needs, e.g. withdrawal of food, shelter, warmth, clothing, and contact with others. 'Circumstantial' neglect more often may be due to stress/inability to cope by parents or carers. Neglect is closely correlated with low socio-economic factors and corresponding physical deprivations. It is also related to parental incapacity due to learning disability, addictions or psychological disturbance. The neglect of children is 'usually a passive form of abuse involving omission rather than acts of commission' (Skuse and Bentovim, 1994). It comprises 'both a lack of physical caretaking and supervision and a failure to fulfil the developmental needs of the child in terms of cognitive stimulation'.

Child neglect should be suspected in cases of:

- a) abandonment or desertion
- b) children persistently being left alone without adequate care and supervision.
- c) malnourishment, lacking food, inappropriate food or erratic feeding.
- d) lack of warmth
- e) lack of adequate clothing
- f) inattention to basic hygiene
- g) lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age
- h) persistent failure to attend school.
- i) non-organic failure to thrive, i.e. child not gaining weight due not only to malnutrition but also to emotional deprivation.
- j) failure to provide adequate care for the child's medical and developmental problems.
- k) exploited, overworked.

Types and Features of Neglect

Child neglect is the most frequent category of abuse, both in Ireland and internationally.

In addition to being the most frequently reported type of abuse; neglect is also recognised as being the most harmful. Not only does neglect generally last throughout a childhood, but it also has long-term consequences into adult life. Children are more likely to die from chronic neglect than from one instance of physical abuse. It is well established that severe neglect in infancy has a serious negative impact on brain development. Neglect is associated with, but not necessarily caused by, poverty. It is strongly correlated with parental substance misuse, domestic violence and parental mental illness and disability. Neglect may be categorised into different types (adapted from Dubowitz, 1999):

- a) **Disorganised/chaotic neglect:** This is typically where parenting is inconsistent and is often found in disorganised and crises-prone families. The quality of parenting is inconsistent, with a lack of certainty and routine, often resulting in emergencies regarding accommodation, finances and food. This type of neglect results in attachment disorders, promotes anxiety in children and leads to disruptive and attention-seeking behaviour, with older children proving more difficult to control and discipline. The home may be unsafe from accidental harm, with a high incident of accidents occurring.
- b) **Depressed or passive neglect:** This type of neglect fits the common stereotype and is often characterised by bleak and bare accommodation, without material comfort, and with poor hygiene and little if any social and psychological stimulation. The household will have few toys and those that are there may be broken, dirty or inappropriate for age. Young children will spend long periods in cots, playpens or pushchairs. There is often a lack of food, inadequate bedding and no clean clothes. There can be a sense of hopelessness, coupled with ambivalence about improving the household situation. In such environments, children frequently are absent from school and have poor homework routines. Children subject to these circumstances are at risk of major developmental delay.

- c) Chronic deprivation: This is most likely to occur where there is the absence of a key attachment figure. It is most often found in large institutions where infants and children may be physically well cared for, but where there is no opportunity to form an attachment with an individual carer. In these situations, children are dealt with by a range of adults and their needs are seen as part of the demands of a group of children. This form of deprivation will also be associated with poor stimulation and can result in serious developmental delays.
- d) The following points illustrate the consequences of different types of neglect for children:
 - i. inadequate food – failure to develop
 - ii. household hazards – accidents
 - iii. lack of hygiene – health and social problems
 - iv. lack of attention to health – disease
 - v. inadequate mental health care – suicide or delinquency
 - vi. inadequate emotional care – behaviour and educational
 - vii. inadequate supervision – risk-taking behaviour
 - viii. unstable relationship – attachment problems
 - ix. unstable living conditions – behaviour and anxiety, risk of accidents
 - x. exposure to domestic violence – behaviour, physical and mental health
 - xi. community violence – anti social behaviour

2. Indicators of Emotional Neglect and abuse

- a) Emotional neglect and abuse are found typically in a home lacking in emotional warmth. It is not necessarily associated with physical deprivation. The emotional needs of the children are not met; the parent's relationship to the child may be without empathy and devoid of emotional responsiveness.
- b) Emotional neglect and abuse 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 neglect and abuse are not easy to recognize because the effects are not easily observable. Skuse (1989) states that 'emotional abuse refers to the habitual verbal harassment of a child by disparagement, criticism, threat and ridicule, and the inversion of love, whereby verbal and non-verbal means of rejection and withdrawal are substituted'.
- c) Emotional neglect and abuse can be identified with reference to the indices listed below. However, it should be noted that no one indicator is conclusive of emotional abuse. In the case of emotional abuse and neglect, it is more likely to impact negatively on a child where there is a cluster of indices, where these are persistent over time and where there is a lack of other protective factors.
 - i. rejection
 - ii. lack of comfort and love
 - iii. lack of attachment
 - iv. lack of proper stimulation (e.g. fun and play)
 - v. lack of continuity of care (e.g. frequent moves, particularly unplanned)
 - vi. continuous lack of praise and encouragement
 - vii. serious over-protectiveness
 - viii. family conflicts and/or violence
 - ix. every child who is abused sexually, physically or neglected is also emotionally abused
 - x. inappropriate expectations of a child relative to his/her age and stage of development
 - xi. Children who are physically and sexually abused and neglected also suffer from emotional abuse

3. Indicators of Physical Abuse

There are many different forms of physical abuse, but skin, mouth and bone injuries are the most common. Unsatisfactory explanations, varying explanations, frequency and clustering for the following events are high indices for concern regarding physical abuse:

- a) Fractures
- b) Swollen joints
- c) Abrasions/lacerations
- d) Haemorrhages' (retinal, subdural) damage to body organs
- e) Poisonings – repeated (prescribed drugs, alcohol)
- f) Failure to thrive
- g) Coma/unconsciousness
- h) Death.
- i) Bruises
 - i. Accidental bruises are common at places on the body where bone is fairly close to the skin. Bruises can also be found towards the front of the body, as the child usually will fall forwards.
 - ii. Accidental bruises are common on the chin, nose, forehead, elbow, knees and shins. An accident-prone child can have frequent bruises in these areas. Such bruises will be diffuse, with no definite edges. Any bruising on a child before the age of mobility must be treated with concern.
 - iii. Non-accidental. Bruises caused by physical abuse are more likely to occur on soft tissues, e.g. cheek, buttocks, lower back, back, thighs, calves, neck, genitalia and mouth.
 - iv. Marks from slapping or grabbing may form a distinctive pattern. Slap marks might occur on buttocks/cheeks and the outlining of fingers may be seen on any part of the body. Bruises caused by direct blows with a fist have no definite pattern but may occur in parts of the body that do not usually receive injuries by accident. A punch over the eye (black eye syndrome) or ear would be of concern. Black eyes cannot be caused by a fall on to a flat surface. Two black eyes require two injuries and must always be suspect. Other distinctive patterns of bruising may be left by the use of straps, belts, sticks and feet. The outline of the object may be left on the child in a bruise on areas such as the back or thighs (areas covered by clothing).
 - v. Bruises may be associated with shaking, which can cause serious hidden bleeding and bruising inside the skull. Any bruising around the neck is suspicious since it is very unlikely to be accidentally acquired. Other injuries may feature – ruptured eardrum/fractured skull.
- j) Mouth injury may be a cause of concern, e.g. torn mouth (frenulum) from forced bottle-feeding. Bone injuries Children regularly have accidents that result in fractures. However, children's bones are more flexible than those of adults and the children themselves are lighter, so a fracture, particularly of the skull, usually signifies that considerable force has been applied. A fracture of any sort should be regarded as suspicious in a child under 8 months of age. A fracture of the skull must be regarded as particularly suspicious in a child under 3 years. Either case requires careful investigation as to the circumstances in which the fracture occurred. Swelling in the head or drowsiness may also indicate injury.
- k) Burns/scalds (see below for more detail)
 - i. Burns Children who have accidental burns usually have a hot liquid splashed on them by spilling or have come into contact with a hot object. The history that parents give is usually in keeping with the pattern of injury observed. However, repeated episodes may suggest inadequate care and attention to safety within the house.
 - ii. Children who have received non-accidental burns may exhibit a pattern that is not adequately explained by parents. The child may have been immersed in a hot liquid. The burn may show a definite line, unlike the type seen in accidental splashing. The child may also have been held against a hot object, like a radiator or a ring of a cooker, leaving distinctive marks. Cigarette burns may result in multiple small lesions in places on the skin that would not generally be exposed to danger. There may be other skin conditions that can cause similar patterns, and expert paediatric advice should be sought.
- l) Bites
 - i. Children can get bitten either by animals or humans. Animal bites (e.g. dogs) commonly puncture and tear the skin, and usually the history is definite. Small children can also bite other children.

- ii. It is sometimes hard to differentiate between the bites of adults and children since measurements can be inaccurate. Any suspected adult bite mark must be taken very seriously. Consultant paediatricians may liaise with dental colleagues in order to identify marks correctly.
- m) Poisoning Children may commonly take medicines or chemicals that are dangerous and potentially life-threatening. Aspects of care and safety within the home need to be considered with each event. Non-accidental poisoning can occur and may be difficult to identify but should be suspected in bizarre or recurrent episodes and when more than one child is involved. Drowsiness or hyperventilation may be a symptom.
- n) Shaking violently - shaking is a frequent cause of brain damage in very young children. Fabricated/induced illness. This occurs where parents, usually the mother (according to current research and case experience), fabricate stories of illness about their child or cause physical signs of illness. This can occur where the parent secretly administers dangerous drugs or other poisonous substances to the child or by smothering. The symptoms that alert to the possibility of fabricated/induced illness include:
 - i. Other symptoms that cannot be explained by any medical tests; symptoms never observed by anyone other than the parent/carer; symptoms reported to occur only at home or when a parent/carer visits a child in hospital.
 - ii. high level of demand for investigation of symptoms without any documented physical signs.
 - iii. Unexplained problems with medical treatment, such as drips coming out or lines being interfered with; presence of non-prescribed medication or poisons in the blood or urine.

4. Types and Features of Sexual Abuse

Child sexual abuse often covers a wide spectrum of abusive activities. It rarely involves just a single incident and usually occurs over a number of years. Child sexual abuse most commonly happens within the family, including siblings and extended family members. Cases of sexual abuse principally come to light through disclosure by the child or his or her siblings/friends, the suspicions of an adult and / or physical symptom.

Examples of child sexual abuse include the following:

- Any sexual act 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:
 - a) Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography – for ex prostitution or the production of child pornography - for example exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual acts, including its recording on film, videotape or other media) or the manipulation for those purposes, of an image by computer or other means, citing, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts.
 - b) Exposing a child to inappropriate or abusive material through information and communication technology Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse.
 - c) Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse. It should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.
- Non-contact sexual abuse such as but not limited to the following:
 - i. 'Offensive sexual remarks', including statements the offender makes to the child regarding the child's sexual attributes.
 - ii. What he /she would like to do to the child and other sexual comments.
 - iii. Obscene phone calls

- iv. Independent 'exposure' involving the offender showing the victim his/her private parts and/or masturbating in front of the victim.
- v. 'Voyeurism' involving instances when the offender observes the victim in a state of undress or in activities that provide the offender with sexual gratification. These may include activities that others do not regard as even remotely sexually stimulating.
- Sexual contact - Involving any touching of the intimate body parts. The offender may fondle or masturbate the victim, and/or get the victim to fondle and/or masturbate them. Fondling can be either outside or inside clothes. Also includes 'frottage', i.e. where offender gains sexual gratification from rubbing his/her genitals against the victim's body or clothing.
- Oral-genital sexual abuse, involving the offender licking, kissing, sucking or biting the child's genitals or inducing the child to do the same to them.
- Interfemoral sexual abuse - Sometimes referred to as 'dry sex' or 'vulvar intercourse', involving the offender placing his penis between the child's thighs.
- Penetrative sexual abuse, of which there are four types:
 - i. 'Digital penetration', involving putting fingers in the vagina or anus, or both. Usually, the victim is penetrated by the offender, but sometimes the offender gets the child to penetrate them.
 - ii. 'Penetration with objects', involving penetration of the vagina, anus or occasionally mouth with an object.
 - iii. 'Genital penetration', involving the penis entering the vagina, sometimes partially.
 - iv. 'Anal penetration' involving the penis penetrating the anus.
- Sexual exploitation Involves situations of sexual victimisation where the person who is responsible for the exploitation may not have direct sexual contact with the child. Two types of this abuse are child pornography and child prostitution.
- 'Child pornography' includes still photography, videos and movies, and, more recently, computer-generated pornography.
- 'Child prostitution' for the most part involves children of latency age or in adolescence. However, children as young as 4 and 5 are known to be abused in this way.

* The sexual abuses described above may be found in combination with other abuses, such as physical abuse and urination and defecation on the victim. In some cases, physical abuse is an integral part of the sexual abuse; in others, drugs and alcohol may be given to the victim. It is important to note that physical signs may not be evident in cases of sexual abuse due to the nature of the abuse and/or the fact that the disclosure was made some time after the abuse took place.

5. Indicators of Sexual Abuse

Carers and professionals should be alert to the following physical and behavioural signs:

- a) Bleeding from the vagina/anus
- b) Difficulty/pain in passing urine/faeces.
- c) An infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease.
- d) Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area.
- e) Noticeable and uncharacteristic change of behaviour
- f) Hints about sexual activity
- g) Age-inappropriate understanding of sexual behaviour
- h) Inappropriate seductive behaviour
- i) Sexually aggressive behaviour with others
- j) Uncharacteristic sexual play with peers/toys
- k) Unusual reluctance to join in normal activities that involve undressing, e.g. games/swimming.
- l) Particular behavioural signs and emotional problems suggestive of child abuse in young children (aged 0-10 years) include:
 - i. Mood change where the child becomes withdrawn, fearful, acting out
 - ii. Lack of concentration, especially in an educational setting
 - iii. Bed wetting, soiling

- iv. Pains, tummy aches, headaches with no evident physical cause
- v. Skin disorders
- vi. Reluctance to go to bed, nightmares, changes in sleep patterns
- vii. School refusal
- viii. Separation anxiety
- ix. Loss of appetite, overeating, hiding food
- m) Particular behavioural signs and emotional problems suggestive of child abuse in older children (aged 10+ years) include:
 - i. Depression, isolation, anger
 - ii. Running away
 - iii. Drug, alcohol, solvent abuse
 - iv. Self-harm
 - v. Suicide attempts
 - vi. Missing school or early school leaving
 - vii. Eating disorders
 - viii. All signs/indicators need careful assessment relative to the child's circumstances

Appendix 4: KEY RELEVANT LEGISLATION

Children First 2015 Act

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of TUSLA without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

Children Act 2001

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute. The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

Child Care Act 1991

The purpose of the Child Care Act 1991 is to 'update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk'. The main provisions of the Act are:

- i. the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18.
- ii. the strengthening of the powers of the HSE to provide childcare and family support services.
- iii. the improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger.
- iv. the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE.
- v. the introduction of arrangements for the supervision and inspection of pre-school services.
- vi. the revision of provisions in relation to the registration and inspection of residential centres for children.

Criminal Justice Act 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children'. It states:

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –
(a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
(b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.'

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

Domestic Violence Act 1996

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

- i. Safety Order: This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.
- ii. Barring Order: This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person's circumstances with a view to:

- i. applying for a Care Order or a Supervision Order under the Child Care Act 1991.
- ii. providing services or assistance for the dependent person's family; or
- iii. taking any other action in respect of the dependent person.

Protections for Persons Reporting Child Abuse Act 1998

This Act came into operation on 23 January 1999. The main provisions of the Act are:

- i. the provision of immunity from civil liability to any person who reports child abuse.
- ii. 'Reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Síochána.
- iii. the provision of significant protections for employees who report child abuse.
- iv. These protections cover all employees and all forms of discrimination up to, and including, dismissal.
- v. the creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence, designed to protect innocent persons from malicious reports.

A wide range of nursing, medical, paramedical and other staff has been appointed as designated officers for the purposes of this Act (see Appendix 10 of the Children First: National Guidance). Section 6 of the Act is a saving provision, which specifies that the statutory immunity provided under the Act for persons reporting child abuse is additional to any defences already available under any other enactment or rule of law in force immediately before the passing of the Act.

Data Protection Acts 1988 and 2003

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up to date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

Education Act 1998

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

Education (Welfare) Act 2000

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education

or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

Non-Fatal Offences against the Person Act 1997

The two relevant provisions of this Act are:

- i. it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils.
- ii. it describes circumstances in which the use of reasonable force may be justifiable.

Freedom of Information Acts 1997 and 2003

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

- i. to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it.
- ii. to enable persons to have corrected any personal information relating to them in the possession of such bodies.
- iii. to provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and of the operation of the Acts generally.
- iv. to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

- i. right of access to this information, subject to certain conditions.
- ii. the right to correct this information if it is inaccurate.

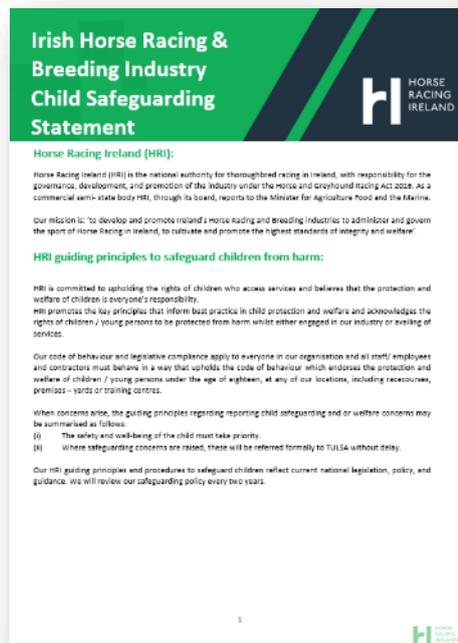
Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision. The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the release of social work or medical records contains information that would be harmful to a person's well-being, the release may be made to a health professional who acts on the person's behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.

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

- i. protecting records covered by legal professional privilege.
- ii. protecting records that would facilitate the commission of a crime.
- iii. protecting records that would reveal a confidential source of information.

Appendix 5: Horse Racing Ireland Child Safeguarding Statement & Risk Management Policy

Irish Horse Racing & Breeding Industry Child Safeguarding Statement



Horse Racing Ireland (HRI):

Horse Racing Ireland (HRI) is the national authority for thoroughbred racing in Ireland, with responsibility for the governance, development, and promotion of the industry under the Horse and Greyhound Racing Act 2016. As a commercial semi-state body HRI, through its board, reports to the Minister for Agriculture Food and the Marine.

Our mission is: 'to develop and promote Ireland's Horse Racing and Breeding industries to administer and govern the sport of Horse Racing in Ireland, to cultivate and promote the highest standards of integrity and welfare'.

HRI guiding principles to safeguard children from harm:

HRI is committed to upholding the rights of children who access services and believes that the protection and welfare of children is everyone's responsibility.

HRI promotes the key principles that inform best practice in child protection and welfare and acknowledges the rights of children / young persons to be protected from harm whilst either engaged in our industry or availing of services.

Our code of behaviour and legislative compliance apply to everyone in our organisation and all staff/ employees and contractors must behave in a way that upholds the code of behaviour which endorses the protection and welfare of children / young persons under the age of eighteen, at any of our locations, including racecourses, premises – yards or training centres.

When concerns arise, the guiding principles regarding reporting child safeguarding and or welfare concerns may be summarised as follows:

- (i) The safety and well-being of the child must take priority.
- (ii) Where safeguarding concerns are raised, these will be referred formally to TULSA without delay.

Our HRI guiding principles and procedures to safeguard children reflect current national legislation, policy, and guidance. We will review our safeguarding policy every two years.

Risk Assessment

HRI have carried out an assessment of any potential for harm to a child while availing of our services, activities, and events. Below is a list of the identified areas of potential risk identified and procedures in place for managing same.

Risks Identified	Procedure in place to manage risk
Risk of harm to a child from HRI staff members (including contracted workers and volunteers).	<ul style="list-style-type: none"> • Code of Behaviour • Safe recruitment and selection • Probation and performance management • Dealing with allegations against Staff, Volunteers and/or Contractors • Raising Matters of Concern (Whistleblowing) • Disciplinary and Grievance • Information and training • Bullying and harassment protocols • HRI Employing Young People Policy • HRI Lone Working Policy • Event Management (including incident management)
Risk of harm to a child from a safeguarding concern not being recognised or reported.	<ul style="list-style-type: none"> • HRI Safeguarding Policy in situ
Risk of harm to children from others attending HRI facilities/locations (including other children, adults, visitors, or members of the public).	<ul style="list-style-type: none"> • Event Management (including incident management) • Risk assessment and management • Memo of understanding with partner agencies and parental consent protocols in place
Risk of harm to children from non-compliance by organisations/groups funded by HRI.	<ul style="list-style-type: none"> • Compliance with HRI Safeguarding Policy by all agencies in receipt of HRI funding.
Risk of harm to children from lack of safeguarding awareness and knowledge within the horseracing and breeding industry.	<ul style="list-style-type: none"> • Child safeguarding training programme • DLP appointments

Procedures

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

1. Provision of the HRI Child Safeguarding Policy which details the reporting procedures for child safeguarding and welfare concerns to TUSLA for children/young person's attending our premises, on placement, undergoing apprenticeship or training or in any form of employment across the industry.
2. Within the Child Safeguarding Policy, procedure for management of allegations of abuse or misconduct against employees/staff and contractors from children or young persons or concerned persons on their behalf.
3. Provision of a Code of Behaviour within the Child Safeguarding Policy for all staff, contractors and employees across the sectors.
4. Appropriate vetting and security procedures for the safe recruitment and selection of staff across the sectors.
5. Access to child safeguarding training and information.
6. Procedure for dealing with disclosure by a child/young person or concerned person or staff member.
7. Procedure for record keeping and storage of any notified child safeguarding concerns
8. Maintenance of a list of Mandated Persons in employment across the horseracing industry.

9. The appointment of a relevant person at our racecourses and all HRI locations.

Implementation

HRI recognise that implementation is an ongoing process. HRI 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 services. This Child Safeguarding Statement will be reviewed every two years or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: _____

Provider – Horse Racing Ireland.

Provider's name and contact details:

Horse Racing Ireland

Ballymany

The Curragh

Co. Kildare

R56 XE37

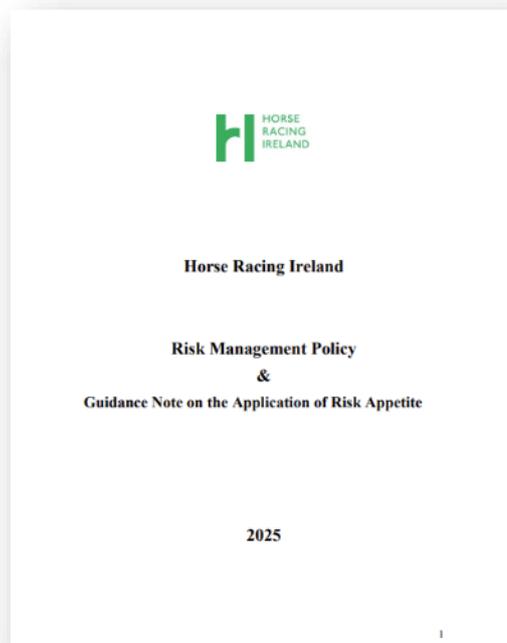
For queries, please contact:

Carol Nolan (Nominated Person)

Director of People and Industry Education and Training

cnolan@hri.ie

Horse Racing Ireland Risk Management Policy



Responsibilities

Should you have any queries about this policy please contact the equip Department.

1. Review of this policy

HRI is committed to taking a proactive approach to this area and to regularly review its approach in line with internal and external developments and legislation. This policy will be reviewed on an annual basis.

2. Document Control

Policy	Irish Horse Racing and Breeding Child Safeguarding Policy
Version Number	1.0
Revision Date	September 2026
Owner	equip