



# Safeguarding Policy 2024

for Children & Vulnerable Adults

# Contents

|                                                                         |    |
|-------------------------------------------------------------------------|----|
| Purpose of this document .....                                          | 3  |
| Values and Principles.....                                              | 4  |
| Responsibilities of Sporting Bodies .....                               | 5  |
| Risk Assessment .....                                                   | 5  |
| Child Safeguarding Statement.....                                       | 6  |
| Child Safeguarding and Protection - Policies & Procedures .....         | 6  |
| Sporting Body Requirement .....                                         | 6  |
| Safeguarding Training .....                                             | 7  |
| Safe Recruitment .....                                                  | 7  |
| Roles and Responsibilities .....                                        | 8  |
| Reporting and Protection .....                                          | 13 |
| Disciplinary, Complaints and Appeals of Code of Behaviour Breaches..... | 18 |
| Safeguarding Guidance.....                                              | 19 |
| General Supervision .....                                               | 19 |
| Transport .....                                                         | 19 |
| Overnight & Away trips .....                                            | 20 |
| Physical Contact.....                                                   | 20 |
| Toileting/Intimate Care.....                                            | 21 |
| Bullying .....                                                          | 21 |
| Photography & Use of Images .....                                       | 23 |
| Mobile Phones.....                                                      | 23 |
| Websites and Social Media .....                                         | 24 |
| Late Collection .....                                                   | 24 |
| Changing Rooms .....                                                    | 24 |
| Accidents & Incidents .....                                             | 25 |
| Code of Conduct .....                                                   | 25 |
| Code of Conduct for Children, Parents and leaders .....                 | 26 |
| Universal Code of Conduct .....                                         | 30 |
| Appendix.....                                                           | 32 |
| Appendix 1: Irish Sailing Safeguarding Statement .....                  | 32 |
| Appendix 2: References and source material.....                         | 36 |
| Appendix 3: The Irish Sailing Instructors & Coaches Charter .....       | 37 |
| Appendix 4: Legislation .....                                           | 40 |

## Purpose of this document

The aim of this guidance document is to help both Irish Sailing and our affiliate organisations (Clubs, Training Centres, Classes, National & Regional Bodies) create a culture of safety that promotes the welfare of children and vulnerable adults (“Children”) engaged in sporting activities.

This guidance document supports all Sporting Bodies to meet their child safeguarding and child protection responsibilities, which are cognisant of, and in line with, requirements under policy/legislation and with best practice.

It does this through the provision of guidance and information in relation to

- the carrying out of a risk assessment
- the development of a Child Safeguarding Statement
- the development and implementation of policies and procedures for safeguarding and protection of children and young people.

Our guiding principles and this guidance document are underpinned by national policy and legislation in ROI Children First: National Guidance for the Protection and Welfare of Children 2017, and the requirements under The Children First Act 2015.

<http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf>

This guidance is also informed by Tusla’s Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child, The Child Care Act 1991, The Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

[https://www.tusla.ie/uploads/content/Tusla - Child Safeguarding -  
A Guide for Policy, Procedure and Practice.pdf](https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf)

As an NGB, Irish Sailing follow the principles and support the spirit of sport as laid out by Sport Ireland’s Ethic Unit’s Safeguarding Guidance for Children & Young People in Sport

<https://www.sportireland.ie/ethics/safeguarding-guidance-for-children-and-young-people-in-sport>

## Values and Principles

Participation in sport plays a crucial role in the development of children and young people. The range of skills learned through being involved in sport contribute towards the holistic development of children. We want a safe, positive and nurturing environment where all children can learn important values.

Children can learn to respect themselves and others, adhere to rules, and develop a healthy relationship with recreation and competition.

We acknowledge that the following values are relevant throughout children's sport:

- **Fun and Healthy** Sport must be a fun and healthy experience for all.
- **Inclusion** Sport is welcoming and inclusive, offering appropriate opportunities for participation and development for all children.
- **Fair Play** We will promote fair play, respect, ethics, integrity and safety throughout the sports system when it comes to dealing with children's sport.
- **Safe** With the best interests of children in mind, we will foster best practice in safeguarding procedures and policies throughout the sports sector.

We recognise the following principles:

- **Importance of childhood** - The importance of childhood is understood and valued by everyone
- **Needs of the child** - All children's sport experiences is guided by what is best for children. This means that adults have a basic understanding of the emotional, physical and personal needs of young people.
- **Integrity in relationships** - Adults interacting with children in sport are in a position of trust and influence. They should ensure that children are treated with integrity and respect.
- **Fair Play** - All children's sport should be conducted in an atmosphere of fair play. The principles of fair play should be emphasised, and organisers should give guidelines regarding acceptable standards of behaviour.
- **Quality atmosphere & ethos** - Children's sport should be in a safe, positive and encouraging atmosphere.
- **Competition** - Competition is an essential element of sport and is encouraged. A child centred ethos will help to ensure that competition and specialisation are kept in their appropriate place.
- **Equality** - All children are valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

## Responsibilities of Sporting Bodies

A central goal for all involved in children's sport is to provide a safe, positive and nurturing environment where children can develop and enhance their physical and social skills. Promoting a child – centred ethos should go hand in hand with identifying and eliminating practice that impact negatively on safe and enjoyable participation in children's sport.

In order to create a culture of safety which promotes the welfare and protection of children, organisations working with children and young people are required to:

- Carry out a risk assessment of harm and produce a Child Safeguarding Statement
- Produce, implement and review an organisational Child Safeguarding Policy which outlines procedures and practice
- Produce, implement and review organisational Codes of Conduct/Practice guidelines when working with children and young people

## Risk Assessment

Children First National Guidance 2017 (ROI) states clearly that organisations that provide services to children must ensure that they prevent, as far as practicable, deliberate harm or abuse to the children while availing of their services.

The risk assessment considers the potential for harm to come to children whilst they are in the relevant organisation's care. This risk assessment precedes the Child Safeguarding Statement (Section 11 (1b) Children First Act 2015 (ROI)) and informs the development of safeguarding policies and procedures to manage the risk identified. In accordance with Children First the risk is of abuse and not general health and safety.

Under the Children First Act 2015 (ROI), if your organisation is providing a relevant, service, you must:

- Keep children safe from harm while they are using your service.
- Carry out a risk assessment to identify whether a child or young person could be harmed while receiving your services.
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified.
- Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

The above responsibilities rest with the provider of the relevant service. Organisations and clubs should identify who the provider of the relevant service is.

A risk assessment is an exercise where your organisation examines all aspects of your service from a safeguarding perspective to establish whether there are any practices or features of your service that have the potential to put children at risk of harm.

The risk assessment process is intended to enable your organisation to:

- Identify potential risk.
- Develop policies and procedures to manage and mitigate risk
- Review whether adequate precautions have been taken to eliminate or reduce these risks.

## Child Safeguarding Statement

The Children First Act 2015 (ROI) requires organisations in Ireland that are providers of relevant services to prepare a Child Safeguarding Statement.

This is good practice and funding requirement for all sporting organisations throughout Ireland. The Child Safeguarding Statement is a written statement that specifies the service being provided and the principles, that a child availing of the service is safe from harm.

All Sporting Bodies should ensure that Child Safeguarding Statement has due regard to the Children First Guidance, or equivalent and any other child protection guidelines issued by the relevant government departments or any guidelines issued by statutory authorities concerning Child Safeguarding Statements.

Irish Sailing's Child Safety Statement is in the appendix and can be used as a template as it complies with the required structure.

## Child Safeguarding and Protection - Policies & Procedures

### Sporting Body Requirements

By carrying out a risk assessment and producing a Child Safeguarding Statement each Sporting Body is required to have in place policies and procedures outlining how the organisation safeguards children and young people and addresses any potential risks identified.

The policies and procedures include the roles and responsibilities of the people within the organisation, safe recruitment and selection of people, and the procedures to follow in relation to identifying and reporting child welfare or child protection concerns and responding to allegations against someone within the organisation.

### General Safety

All clubs / organisation should have a safety statement, including an assessment of specific and potential risks attached to their activities. Organisations should:

- Ensure activities are suitable for age and stage of development of participants.
- Keep a record of any specific medical conditions of the participants.
- Keep a record of emergency contact numbers for parents / guardians.
- Ensure any necessary protective equipment, particularly personal floatation devices, are of a correct type, in good condition, properly fitted and properly used.
- Ensure First Aid kit is close at hand with access to qualified first-aider.
- Know the contact numbers of emergency services.
- Have available appropriately stocked first aid kit(s).
- Ensure easy access to medical personnel if needed and have an emergency plan.
- If an incident occurs, make a brief record of injury and action taken. Make a brief record of the problem/action/outcome. Contact the participant's parents and keep them informed of all details.
- Officials and leaders should ensure that participants conduct themselves properly.
- Participants should know and keep the rules of their sport.
- Instructors & coaches should hold appropriate qualifications required by the governing body.
- Ensure there is adequate insurance cover for all activities.
- Ensure parents / guardians are present at finishing time of sessions or events.

## Safeguarding Training

All staff and volunteers should receive safeguarding training appropriate for their role. Basic face to face awareness courses or workshops are appropriate for those working in sport with regular responsibility for children and young people.

Safeguarding training should include:

- A basic awareness and understanding of safeguarding issues and roles within organisation/club.
- Establishing minimum standards of best practice and codes of conduct.
- Exercises to identify, respond and report concerns.
- Signposting for further information and sources of support.

## Who provides training

Local Sports Partnerships and Irish Sailing provides three levels of training, **SG1**, SG2, SG for Individuals, Clubs and Centres throughout the country all year round. The details of the three stages of training are outlined here as follows:

### 1. Safeguarding 1 (SG1) - Child Welfare & Protection Basic Awareness Course

All people, over 18 years old, engaging with children must complete this Irish Sailing or Local Sports Partnership (LSP) 3-hour Course. This course educates participants on the implementation of best practice in protecting the welfare of children involved in sport.

### 2. Safeguarding 2 (SG2) - Club Children's Officer (CCO)

The Children's Officer position must have completed Safeguarding 2, in order to help carry out the function of their role and support the implementation of best practice.

### 3. Safeguarding 3 (SG3) - Designated Liaison Person (DLP/NCO)

A Designated Liaison Person position must complete Safeguarding 3, in order to help carry out the function of their role and support the implementation of best practice.

Validation for SG training is 5 years and Certificates are provided by Sport Ireland.

## Safe Recruitment

### The Risks

The vast majority of volunteers will help out through a genuine desire to see children, or their particular organisation develop. Unfortunately, we must face the reality that a small minority of people will join an organisation or club as an opportunity to gain access to children. They will create an air of acceptability about their role, justifying their close contact with children.

In order to safeguard young people against such risks it is important that organisation apply a safe and clearly defined method of recruiting staff and volunteers.

### Easy Rules to Remember

The implementation of thorough recruitment and selection procedures will help to keep children and young people safe within your organisation. Good practice in management and supervision of workers and volunteers after appointment is a further essential safeguard to help keep children/young people safe.

The procedures outlined below are recommended best practice in your organisation:

- The responsibilities of the role and the level of experience/qualifications required should be drawn up and clearly stated beforehand.

- Applicants should complete an application form which should include a self-declaration section / form.
- Applicants should provide at least two references.
- Copies of all relevant qualifications and references should be requested and validated.
- Formal Garda Vetting procedures must be completed.
- A decision to appoint a Leader is the responsibility of the organisation, preferably a panel from management, and not of any one individual.
- Sports organisations should ensure good recruitment procedures for 'all' members by:
- Applicants should demonstrate
  - experience of working with children and knowledge of safeguarding issues
  - commitment to promoting good practice
  - ability to communicate with children and young people (i.e. be approachable).
- Applicants should agree to the Code of Conduct and agree to undertake safeguarding training.

## **Roles and Responsibilities**

### **General**

Everyone in sport i.e. children, parents /carers and Sports Leaders accept the role and responsibilities that they undertake in their commitment to maintaining an enjoyable and safe environment.

Sports Leaders play a vital role in children's sport. Sports organisations and sports groups should ensure that the work of Sports Leaders which occurs mainly on a voluntary basis, is guided by this Safeguarding Guidance.

Interaction between children and their peers and adults should be conducted in a spirit of mutual respect, equality and non-discriminatory with a spirit of fair play.

Adults including parents /carers, who create an environment in which meaningful, open relationships are valued and where the integrity of everyone is respected, can promote such interaction.

### **National Governing Body**

A National Governing Body of Sport is the organisation recognised by the respective international federation as being responsible for the administration of a sport on a countrywide basis or the national body responsible for national games. The National Governing Body is responsible for overseeing the adoption and implementation of this guidance, the legal requirements set out by and Children First (ROI) and the good practice guidelines and standards in NI by all its affiliated members.

### **Statutory Authorities**

The authorities who promote the protection and welfare of young people and who have the responsibility for the investigation and/or validation of suspected child abuse, i.e. in the ROI it is Tusla & An Garda Síochána and in NI it is the Police Service of Northern Ireland (PSNI) and the Health and Social Care Trusts.

### **Sporting Body**

A Sporting Body is any affiliate member of Irish Sailing and any organisation providing recreational services to children or vulnerable adults – Clubs, Training Centres, Classes, National & Regional Organisations – who are the providers of the relevant service.

### **National Children's Officer (NCO)**

Each Governing Body of Sport should appoint a National Children's Officer. The National Children's Officer should be a member of the Executive Committee or have access to the committee and its accompanying documents, to ensure that children's interests are kept on, and influence the decisions of, the agenda of the Governing Body.

The role of the National Children's Officer involves:

- Have knowledge of the Safeguarding Code and relevant child protection legislation (Children First Act 2015 (ROI)/ National Vetting Bureau Act 2012-2016, Co-operating to Safeguard Children and Young People in Northern Ireland 2017).
- Commitment to attendance at appropriate training as required in order to act as a resource to members in relation to children's needs.
- Co-ordination of Child Safeguarding training.
- The promotion of the values, attitudes and structures which make sport enjoyable for children.
- Circulation of all relevant information and resource materials, on children's sport to clubs and affiliates of the sports organisations.
- Communication with Club Children's Officers to ensure the distribution of the Code and the promotion of related education programmes, materials events and governing body related codes.
- Liaison with all clubs to examine the rules, regulations and structures to ensure that they are child centred, e.g., equal playing time, appropriate competition structures, modified equipment to allow sense of achievement and success, use of protective gear, bullying policy etc.
- Liaison with clubs, to ensure drop-out rates and transfers are monitored so that unusual developments or trends can be addressed, including transfer of sports leaders.
- Assisting in the development of a system of record keeping which maintains confidentiality while allowing for appropriate information to be passed to relevant authorities where necessary.
- Ensuring that the Governing Body develops an appropriate sport specific policy, which includes a policy statement, codes of conduct, disciplinary procedures, bullying policy, safety statement, recruitment and selection policy and reporting procedures.

### **Club Children's Officer (CCO)**

The appointment of Club Children's Officers in sports clubs, classes and other organisations is an essential element in the creation of a quality atmosphere. Children's Officers should review current policies in relation to young people, check that all activities are safe and fun, and inform adults of how to deal with any concerns that may arise in relation to the protection of children and young people.

Club Children's Officers should be child centred in focus and have as the primary aim the establishment of a child centred ethos within the club. This role is the link between the children and the adults in the club. They also take responsibility for monitoring and reporting to the Club Management Committee on how club policy impacts on young people and Sports Leaders.

The Children's Officer should be a member of or have access to, the Club Management Committee and should be introduced to the young people in an appropriate forum.

The Club Children's Officer should have the following role:

To promote awareness of safeguarding guidelines within the club, among young members and their parents/guardians. This could be achieved by: - the production / distribution of information leaflets, the establishment of children's/age group specific notice boards, regular information meetings for the young people and their parents/guardians

- To influence policy and practice within the club in order to prioritise children's needs.
- Establish contact with the National Children's Officer at governing body level.

- To ensure that children know how to make concerns known to appropriate adults or agencies.
- To encourage the appropriate involvement of parents/ guardians in the club activities
- To act as an advisory resource to Sports Leaders on best practice in children's sport.
- To report regularly to the Club Management Committee.
- To monitor changes in membership and follow up any unusual dropout, absenteeism or club transfers by children or Sports Leaders.
- To ensure that the children have a voice in the running of their club and ensure that there are steps young people can take to express concerns about their sports activities / experiences.
- Establish communication with other branches of the club, e.g. facilitate parent's information sessions at the start of the season.
- Keep records on each member on file, including junior members, their contact numbers and any special needs of the child that should be known to leaders.
- Ensure every participant signs up to a code of conduct for leaders, parents and children.

Ensure that the club rules and regulations include:

- complaints, disciplinary and appeals procedures.
- an anti-bullying policy.
- safety statement.
- rules in relation to traveling with children.
- supervision and recruitment of leaders.

### **Designated Liaison Person (DLP)**

Each NGB/Club must appoint a Designated Liaison Person (DLP). This person may or may not also fulfil the role of Children's Officer.

- The DLP is a resource for volunteers/coaches and should ensure that the clubs reporting procedures are followed. The DLP reports any suspected cases of child neglect or abuse to the Duty Social Worker in Child and Family Agency/TUSLA or an Garda Síochána/ Gateway team or PSNI.
- The DLP should also inform the NCO that a report has been submitted without identifying details.
- The DLP should be knowledgeable about child protection and undertake any training considered necessary i.e. Safeguarding 3.
- The DLP should familiarise themselves with the statutory and support services within their locality
- Have knowledge of the Safeguarding Code and relevant child protection legislation (Children First Act 2015 (ROI)/National Vetting Bureau Act 2012-2016 (ROI) and Cooperating to Safeguard Children and Young People in Northern Ireland 2017.

### **Mandated Person**

The Mandated Person is a person named under schedule 2 of Children First Act 2015 (ROI). This role has a legal responsibility to report concerns or allegations that reach or exceed the threshold of harm of abuse to the TUSLA on behalf of Irish Sailing or one of its affiliated organisations.

The legal obligations of a Mandated Person under the Children First Act 2015 (ROI) are:

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

## **Organisation Leader**

Within Irish Sailing affiliated clubs this is usually the Commodore and in other organisations it may be the Owner or General Manager or Centre Principle or Class Captain and must be an adult over the age of 18 years.

The organisation leader is ultimately responsible for all the actions in or by their organisation including the implementation of appropriate policies, procedures and actions to protect and care for children participating in activities organised or run by their organisation.

## **Managers and or Committee members**

Managers and committee members would usually have responsibility for the setup of any activities including scheduling, bookings and recruitment of leaders.

## **Junior Organiser**

Irish Sailing affiliated sailing clubs running Irish Sailing courses for young sailors would usually have an adult Junior Organiser to administer this programme. Where the club run no other Irish Sailing Training courses the JO would also usually assume the role of Centre Principal.

Irish Sailing recommends that the Junior Organiser is not the Children's Officer.

## **Leaders**

For the purpose of this guidance all adults involved in children's sport are referred to as Sports Leaders. All have a role to play in ensuring that procedures as described in this policy are put in place, agreed, followed and reviewed on a regular basis. The principal leadership roles (some of which overlap) include the following:

- **Administrators:** While administrators may not be actively involved in children's sport, they may be involved in organising activities and events.
- **Assistants:** Assistants are those people who provide back-up to any of the roles outlined in this section and often such assistants are involved on an intermittent basis (e.g. provision of lifts to matches or competitions; checking equipment, etc.).
- **Club/Organisation Officers:** President, Chairperson, Secretary, Treasurer and Committee members are appointed to oversee club activities and the development of the club/organisation.
- **Coach/Trainer:** A coach is a person who assists a young participant to develop his or her skills and abilities in a progressive way.
- **Instructor/Teacher:** Instructors are involved in the systematic development of the core skills and abilities of an activity, sometimes in a non-competitive context.
- **Manager:** A manager is an individual who takes overall responsibility for a team or a group of sports people and who may often have a direct input into the nature and organisation of the activity itself.
- **Mentor:** A mentor is an individual who undertakes an overseeing role with a group of participants under 18 years of age, often in co-operation with other mentors.
- **Official:** An official is an individual charged with the responsibility of ensuring that the rules of an activity are adhered to in a formal way. This category includes referees, judges, umpires, etc.
- **Selector:** A selector is an individual who has responsibility for the selection of participants under 18 years of age for teams and events.

## **Children**

For the purposes of this policy, anyone under the age of 18 years old should be considered as a child

## **Vulnerable Adults**

Definition of a vulnerable person for the purposes of this Safeguarding Statement uses The Garda Vetting Bureau Act 2012, which defines a vulnerable person as a person, other than a child, who:

- is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- has an intellectual disability,
- is suffering from a physical impairment, whether as a result of injury, illness or age
- has a physical disability, which is of such a nature or degree:
  - as to restrict the capacity of the person to guard himself or herself against harm by another person
  - that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

## Reporting and Protection

All those involved in sport have a moral duty of care to report child protection concerns in order to help create a safer environment for children. Staff and volunteers should be alert to the possibility that children with whom they are in contact may be being abused or at risk of being abused.

If there are grounds for concern, about the safety or welfare of a young person action should be taken. Any concern should be passed on to the Designated Liaison Person within the organisation. This in turn should pass the concern and any updates to the case to the local Statutory Authorities and to Irish Sailing.

The procedure in ROI for reporting child protection or welfare concerns to Tusla is a specified procedure under the Children First Act 2015 (ROI) and should be done online following a discussion with Tusla staff.

It is recommended best practice that any telephone referral is followed up in writing. Sport organisations have a duty to promote the welfare and safety of children.

Once a report is made to the Statutory Authority is the job of the local statutory authorities ONLY to assess and manage the matter of concern.

If a report is not a caused of concern, the sporting body must consult its organisational policies and procedures and these policies in the management of the issue.

## Response to a Child Disclosing Abuse

When a young person discloses information of suspected abuse:

- deal with any allegation of abuse in a sensitive and competent way through listening to and facilitating the child to talk, rather than interviewing the child about details of what happened.
- stay calm and not show any extreme reaction to what the child is saying. Listen compassionately and take what the child is saying seriously.
- understand that the child has decided to tell something very important and has taken a risk to do so. The experience of telling should be a positive one so that the child will not mind talking to those involved in the investigation.
- be honest with the child and tell them that it is not possible to keep information a secret.
- make no judgmental statements against the person whom the allegation is made.
- not question the child unless the nature of what they are saying is unclear. Open, non-specific questions should be used such as “Can you explain to me what you mean by that”
- check out the concerns with the parents/guardians before making a report unless doing so would endanger the child or compromise an investigation.
- give the child some indication of what would happen next, such as informing parents/guardians, health service executive or social services. It should be kept in mind that the child may have been threatened and may feel vulnerable at this stage.
- Carefully record the details and assess whether a cause for concern exists.
- Reassure the child that they have done the right thing in telling you.
- Pass on this information to the Designated Liaison Person (or the statutory bodies, if required)

## Reasonable Grounds for concern

There are many reasons a coach/volunteer may be concerned about the welfare or protection of a child or young person. It is important to remember that children/young people are sometimes abused by members of their own family, by peers or by others outside the family environment such as strangers, workers or trusted adults. The following are reasonable grounds for concern:

- Evidence, for example 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 a child being abused.

Wherever appropriate, any issues should be checked with the parents/carers when considering whether a concern exists, unless doing so may further endanger the child or the person considering making the report. The DLP should be able to support this process.

## **Categories of Abuse**

A child/young person may be subjected to one or more forms of abuse at any given time. When working with children/young people it is important to be aware of the four categories of abuse these are as follows:

### **Neglect**

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences. Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety.

### **Emotional Abuse**

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver.

### **Physical Abuse**

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse. Physical abuse can include the following:

- Physical punishment.
- Beating Slapping, hitting or kicking.
- Pushing Shaking or throwing.
- Pinching Biting, choking or hair-pulling.
- Use of excessive force in handling.
- Deliberate poisoning.
- Suffocation.
- Fabricated/induced illness.
- Female genital mutilation.

### **Sexual Abuse**

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

## Signs of Abuse

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you encounter. A child needs to have someone they can trust to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable.

The following list is intended to help your organisation identify the range of issues in a child's life that may place them at greater risk of abuse or neglect but does not necessarily mean that a child in those circumstances or settings is being abused.

### Parent/Carer Factors

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

### Child Factors

- Age.
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Previous abuse

### Community Factors

Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction. Culture-specific practices include:

- Female genital mutilation.
- Forced marriage.
- Honour-based violence.
- Radicalisation

### Environmental factors

- Housing/Poverty
- Children who are out of home and not living with their parents, whether temporarily or permanently.
- Bullying
- Internet and social media-related concerns

### Poor motivation or willingness of parents/guardians to engage

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse.

## Reporting Suspected or Disclosed Child Abuse

The following steps should be taken in reporting child abuse to the statutory authorities:

1. Observe and note dates, times, locations and contexts in which the incident occurred, or suspicion was aroused, together with any other relevant information.
2. Report the matter as soon as possible to the DLP. If the Designated Person has reasonable grounds for believing that the child has been abused or is at risk of abuse, they will make a report to TUSLA or the Gardai, who have statutory responsibility to investigate and assess suspected or actual child abuse.
3. In cases of emergency, where a child appears to be at immediate and serious risk and the Designated Person is unable to contact a duty social worker, the police authorities should be contacted. Under no circumstances should a child be left in a dangerous situation pending intervention by the Statutory Authorities.
4. If the Designated Person is unsure whether reasonable grounds for concern exist they can informally consult with the local health board/social services, they will be advised if the matter requires a formal report.

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 the Health Service Executive or the Gardai.

## Allegations against Leaders or Parents

While the designated officer makes the report to the local health board, the Senior person within the organisation (commodore, owner, manager) should deal with the Leader or Parent in question.

The leader or parent should be privately informed that: (a) an allegation has been made against him / her and (b) the nature of the allegation.

They should be afforded an opportunity to respond. Their response should be noted and passed on to the statutory authorities.

A leader should be asked to step aside pending the outcome of further investigation. When a person is asked to step aside it should be made clear that it is only a precautionary measure and will not prejudice any later disciplinary proceedings.

Irish Sailing should be informed by the Designated Person that the leader has been asked to stand aside

Irish Sailing may consider disciplinary action on the leader but will ensure that this does not interfere with the investigation of the Statutory Authorities. In doing so Irish Sailing will consider the outcome of the investigation and any implications it might have. The fact that the alleged abuser has not been prosecuted or been found guilty does not mean that they are appropriate to work with young people in the future.

## Confidentiality

Confidentiality should be maintained in respect of all issues and people involved in cases of abuse, welfare or bad practice. It is important that the rights of both the child and the person about whom the complaint has been made are protected.

The following points should be kept in mind:

- A guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the child will supersede all other considerations, however confidential reporting or rumours cannot be ignored.
- All information should be treated in a careful and sensitive manner and should be discussed only on a 'need to know' basis outside of the formal roles in the reporting process.
- Information should be conveyed to the parents / guardians of the child in a sensitive way
- All persons involved in a child protection process (the child, their parents/guardians, the alleged offender, their family, Sports Leaders) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.
- Information should be stored securely, in line with GDPR principles [www.dataprotection.ie](http://www.dataprotection.ie)

## Disciplinary, Complaints and Appeals of Code of Behaviour Breaches

### Introduction

Each club/organisation should ensure that it has adequate disciplinary, complaints and appeals procedures in place.

It is the responsibility of the Statutory Authorities to investigate any Cause for Concern. Only following advice from statutory agencies, should Sport Bodies begin disciplinary procedures.

### Recommended Procedures

A Sports Body will operate good practice to include a complaints/appeals procedure similar to the following:

- All those involved in sport should have read and signed up to a code of conduct – this code should be applied and referred to as a cornerstone of understanding.
- Each Sporting Body on receiving a complaint, should appoint a disciplinary committee to resolve problems relating to the conduct of its members.
- A complaint should be in writing and should be responded to within 5 working days.
- The committee should consist of a representative from the Executive Committee, the Club Children's Officer and ordinary registered members of the club. If the complainant is under 18 years of age, correspondence should be addressed to the parents/ carers and invited to partake in the process.
- If the complaint raises a cause for concern, the Safeguarding reporting procedure should be followed.
- The disciplinary committee should review any relevant paperwork and hold any necessary meetings with all parties to proceed with complaints into any incident of suspected misconduct. It should, as soon as possible, inform the Executive Committee of the progress of the disciplinary process. This should be done within 10 working days.
- The disciplinary committee should furnish the individual with the nature of the complaint being made against them and afford them the opportunity of providing a response either verbally or in writing, but usually at a meeting with the disciplinary committee. It is advised to take onboard any information that witnesses can give from both parties of the complaint.
- Records of all complaints should be confidential and kept safely with limited access, in compliance with GDPR.
- Where it is established that an incident of misconduct has taken place, the disciplinary committee should notify the member of any sanction being imposed. The notification should be made in writing, setting out the reasons for the sanction.

### Appeals

If the person against whom the complaint was made is unhappy with the decision of the disciplinary committee, they should have the right to appeal the decision to an appeals committee (independent of the disciplinary committee). Any appeal should be made in writing within 10 days of the decision of the disciplinary committee. The chairperson of the appeals committee should be a member of the Management Committee.

The appeals committee should have the power to confirm, set aside or change any sanction imposed by the disciplinary committee.

If any party is not satisfied with the outcome, and all efforts to resolve the issue have been exhausted, the matter can be referred to Irish Sailing under its complaints policy and procedures.

## Safeguarding Guidance

### General Supervision

The number of adults required and the skill or competencies they should have, will depend on the nature of the activity, the age of the participants and any special needs of the group.

- Specific ratios for on the water training and coaching activities are set out in Irish Sailing Training Centre Operating Requirements. These are a good guideline for *any* on the water activities and examples include – 1 to 3 for power boating or windsurfing, 1 to 6 for start sailing, 1 to 8 for instructor training and 1 to 12 for advanced sailing courses.
- The guideline ratio for safety boat cover at competition events is 1 safety boat: 10 sailing boats
- Otherwise, a ratio of 1:8 for under 12 years of age and 1:10 for participants over 12 years of age would normally be considered adequate.
- Of course, all of these are guides or maximums and will change depending on the circumstances, e.g. environment, conditions, participants with special needs or away trips and must be set out and agreed prior to the event.

Apart from the numbers, organisers should also consider the following when deciding on appropriate supervision:

- Leaders should be competent. For on the water activities this would typically mean they hold an Irish Sailing instructor or coaching qualification. Safety boat drivers should hold the appropriate powerboat certificate.
- Leaders should try to have more than one adult present.
- Where there are mixed groups there should be leaders of both genders.
- In changing rooms, ask parents to take responsibility and supervise in pairs of appropriate gender. If parents are not available, leaders should provide supervision. Beware of unsupervised groups in changing rooms for any length of time as this is area / period where bullying is more likely to occur.
- Clearly state time for start and end of training sessions or competitions, leaders should not be left alone with young people at the end of sessions. If there are late collections leaders should remain in pairs until participants have left.
- Keep attendance records and records of any incidents / injuries that arise.
- Ask parents to stay and supervise sessions, (for safety and supervision, not necessarily for their 'technical' expertise).

### Transport

There is a responsibility on leaders when they transport young people to events. Leaders should:

- Ensure that there is adequate insurance cover on their car / boat
- Not carry more than the permitted / safe number of passengers
- Avoid being alone with one participant,
- Have agreed central pick up & drop off locations,
- Seek parental permission to transport an individual participant on a regular basis
- Clearly state times of pick- up and drop off.
- Parents should check with young people about the plans and be happy with the transport arrangements.
- When using vehicles:
  - Follow the rules of the road, including legal use of seat belts
  - Put passenger in the back seat,
- When using boats:
  - Ensure coxswains are qualified & competent and the boat is properly equipped
  - Ensure everyone wears an appropriate, properly fitted personal floatation device.
  - Ensure all passengers are secure.

## Overnight & Away trips

- Separate permission forms should be signed by parents and participants, containing emergency contact number
- Young participants should sign a behaviour agreement
- Appoint a group leader who will make a report on returning home
- A meeting with parents and participants is useful to communicate travel times, competition details, other activities, gear requirements, medical requirements, special dietary needs and any other necessary details
- Rooming arrangements – adults should not share rooms with children, children share rooms with those of same age and gender and adults should knock before entering rooms
- All group socialisations should take place in communal areas (i.e. no boys in girls' rooms and vice versa).
- Alcoholic drink, smoking, doping or other illegal substances are forbidden to players. Leaders should act as role models in this respect
- There must be at least two adults, one adult of each gender with a mixed party, there should be a good adult – child ratio, 1:5/6, and proper access to medical personnel
- Lights out times should be enforced
- Young players should be under reasonable supervision always and should never leave the venue or go unsupervised without prior permission

## Physical Contact

Physical contact during sailing activities should always be intended to meet the child's needs, NOT the adults. The adult will probably use appropriate contact when the aim is to assist in development of the skill or for safety reasons. Examples where adults may need to make physical contact with a child to support them are as follows:

- First Aid situations where the casualty may need to be moved or supported into a position or may need their wetsuit / raingear taken off for CPR/ AED access and will abide by the UN Convention of "Assumed Consent" to conduct basic life support to the casualty.
- Spotting a trainee on a trapeze simulator in case they sailor slips off the deck, it is important to be standing in a secure stance with an open hand-held between the shoulder blades to prevent the person from hitting their head-first on to the ground.
- Assisting a person to zip up the back of the wetsuit or assisting with a heel hook to get the wetsuit off the ankle when someone is too cold post water activity. This should be done in an open area where others can support the child if needed.
- Lifting, pulling or dragging a person over the side of a rescue boat or dinghy in a man overboard recovery scenario, when the person asks or needs assistance to get back into or onto the vessel. It is important to ensure your own safety first and apply correct lifting techniques as per manual handling training and where possible utilise equipment such as hoists, slings, ladders, ropes to assist first.
- Physical movement or manipulation of the trainee to demonstrate how to perform a manoeuvre using kinaesthetic methodology such as lifting a person's foot to feel the power affecting a windsurfing board or turning a hand with a tiller exercise.

There are many other examples and variations of the above that involve physical contact which occur as part of the sport and the following considerations should always be followed:

- All contact should be in an open environment with the permission and understanding of the participant, when not possible another adult or some other children should attend to support and bare witness as appropriate facilitating the persons privacy and dignity.
- Contact should be determined by the age and developmental stage of the participant - Don't do something that a child can do for themselves.
- Never engage in inappropriate touching such as touching of groin, genital areas, buttocks, breasts or any other part of the body that might cause a child distress or embarrassment.

## **Toileting/Intimate Care**

Children with specific toileting/intimate care needs: Where a child or young person is considering attending at or participating at any activities or sailing camps organised by Irish Sailing, Club or Training Centre that has specific toileting needs, it may be necessary that prior to such attendance or participation, that a meeting is held between the Children's Officer, Senior Instructor/ Member, the child or young person wishing to attend along with the child's parents/guardians where the needs of the child should be addressed and agreement reached that those needs can be met. Irish Sailing accepts that it is fundamental to those who may be involved with the intimate care of the child, agree practices which are acceptable to the club/centre, the child and the parents/guardian. It may be useful to have a unique Intimate Care Policy outlining the agreed practices.

## **Bullying**

### **What is Bullying?**

Bullying can be defined as repeated aggression be it verbal, psychological, physical or cyber conducted by an individual or group against others.

It is behaviour that is intentionally aggravating and intimidating and occurs mainly in social environments such as online, schools, clubs and other organisations working with children and young people. It includes behaviours such as teasing, taunting, threatening, hitting and extortion behaviour by one or more children against a victim.

The acronym STOP – Several Times on Purpose - can help you to identify bullying behaviour.

### **How would you know if a child is being bullied?**

All bullies operate using furtiveness, threats and fear. Bullying can therefore only survive in an environment where the victim does not feel empowered to tell someone who can help or in which it is not safe to do so.

The following indicators are warning signs that a young person might be getting bullied.

- Reluctance to come to a venue or take part in activities
- Physical signs (unexplained bruises, scratches, or damage to belongings)
- Stress-caused illness – headaches, and stomach aches which seem unexplained
- Fearful behaviour (fear of walking to a meeting, going different routes, asking to be driven)
- Frequent loss of, or shortage of, money with vague explanations
- Changes in behaviour (withdrawn, stammering, moody, irritable, upset, distressed)
- Attempting suicide or hinting at suicide
- Anxiety (shown by nail-biting, fearfulness, tics)

*There are other possible reasons for many of the above*

### **Who should deal with bullying?**

While the more extreme forms of bullying would be regarded as physical or emotional abuse and are reported to the health board or An Garda Síochána, dealing with bullying behaviour is normally the responsibility of all Leaders within this club / organisation.

### **How can it be prevented?**

- Ensure that all members follow the code of conduct, which promotes the rights and dignity of each member.
- Deal with any incidents as they arise.
- Use a whole group policy or 'no-blame approach', i.e., not 'bullying the bully' but working with bullies and the group of young people, helping them to understand the hurt they are causing, and so make the problem a 'shared concern' of the group, (see below)
- Reinforce that there is 'a permission to tell' culture rather than a 'might is right'
- Encourage young people to negotiate, co-operate and help others, particularly new or different children
- Offer the victim immediate support and put the 'no blame approach' into operation
- Never tell a young person to ignore bullying, they can't ignore it, it hurts too much

### **What is the 'No Blame' Approach?**

#### **Step 1 – Interview with the victim**

If you find that there has been an incident of bullying, first talk to the victim. At this stage find out who was involved and what the victim is now feeling. Try asking the following questions:

- Was it verbal or physical intimidation?
- How hurt is the victim?
- Was it within their own peer group?
- Ensure the victim that their name will not come out in the investigation
- Actively listen

#### **Step 2 – Meet with all involved**

Arrange to meet with all those involved; this should include some bystanders, those who may have colluded, those who joined in and those who initiated the bullying.

- Have a maximum of six to eight in the group – keep the number controllable
- Make a point of calling a 'special' meeting
- Ensure the severity of the topic is understood by all
- Speak only of the hurt caused in general terms with no reference to the victim
- Play on the conscience of all – ask questions like: How would you feel? Would you like it done to you?

#### **Step 3 – Explain the problem**

The distress being suffered as a result of the bullying incident is explained. At this stage the details of the incident or the allocation of the blame is not discussed. Explain the feelings of loneliness, feeling left out, rejected, laughed at. Try asking questions:

- Would they like it if it happened to them?
- "Someone here in this group was bullied by someone within the group, what could we do to see it does not happen again?"
- Listen, watch out for reactions, and pick up on any without isolating anyone

#### **Step 4 – Share the responsibility**

Explain what steps / controls may have to be introduced to prevent further incidents and how everyone will lose out as a result

### **Step 5 – Ask the group for their ideas**

At this stage the group is encouraged to suggest ways that would make the victim feel happier. All positive responses are noted. Use phrases “if it were you” to encourage a response. Listen to all suggestions and note them

### **Step 6 – Leave it to them**

Now the problem has been identified, solutions suggested, the problem is now handed over to the group to solve. Arrange to meet again in a week’s time. Pass responsibility over to the group and give a time frame within which something must be done

### **Step 7 – Meet them again**

Each member of the group, including the bully, discuss how things are going, who is doing what and have there been other incidents. This allows for continual monitoring and keeps all involved in the process.

Again, enforce the idea of the ‘team’ looking after each other at regular intervals to ensure it is known that bullying or intimidating behaviour will not be tolerated.

## **Photography & Use of Images**

Photographs, when used with personal information, can be used as a means of identifying children. This practice can make a child vulnerable to an individual who may wish to “groom” that child for abuse. Furthermore, the content of the photo can be used or adapted for inappropriate use. There is evidence of this adapted material finding its way onto child pornography sites. Adults and sports leaders need to work together to prevent those wishing to cause such harm to young people.

Adults and sports leaders need to work together to prevent those wishing to cause such harm to young people. Remember having photographic and filming guidelines is not about preventing parents from taking pictures, it is to ensure that only those who have a right to take photographs do so. Anyone concerned about photography taking place at events or training sessions can contact the children’s officer/ designated person and ask them to deal with the matter.

The purpose is to reduce the risk of inappropriate, unsolicited attention from people within and outside the sport. Photographs where the organisation is identified rather than individuals are good for publicity without creating a risk to those in the photographs. The following is a guide:

- If a photograph is used, avoid naming the participant.
- Ask for the participant’s permission to use their image to ensure that they are aware of the way the image is to be used to represent the sport.
- Ask for parental permission to use the participant’s image to ensure that parents are aware of the way the image is to be used to represent the sport. A permission form opting in must be used or make an announcement at the start of an event.
- To reduce the risk of inappropriate use, only use images of participants in suitable dress. The content of the photograph should focus on the activity not on a particular child.
- To ensure spectators and participants are informed of the policy, the club/event/organisation should display appropriate information prior to the start of an event or activity. Typically, this might be included in the activity booking form or Notice of Race.

## **Mobile Phones**

Mobile phones are often given to children for security, enabling parents to keep in touch and make sure they are safe. Young people value their phones highly as it offers them a sense of independence. In addition, mobile phones allow quick and easy contact, which can make a safe and efficient way to carry out club business. However, such technology has also allowed an increase in direct personal contact with young people, in some cases used to cross personal boundaries and cause harm to young people. Within clubs there is a need to encourage responsible and secure use of mobile phones by adults and young people.

#### As a young person remember

- If you receive an offensive photo, email or message, do not reply, save it, make a note of times and dates and tell a parent or children's officer/designated person within the club.
- Be careful about who you give your phone number to and don't respond to unfamiliar numbers
- Change your phone number in cases of bullying or harassment
- Don't use the phone in certain locations; inappropriate use of your camera phone may cause upset or offence to another person, e.g. changing rooms
- Treat your phone as you would any other valuable item so that you guard against theft

#### As a Leader remember

- Use group texts for communication among participants and teams and inform parents of this at the start of the season
- It is not appropriate to have constant communication with individual participants.
- Be aware that inappropriate use of your camera phone may cause upset or offence to another person.
- Avoid using a mobile phone in certain locations e.g. changing rooms
- Avoid taking, retaining or disseminating pictures / videos of individual children without appropriate permissions & precautions. (Parents & child)

### Websites and Social Media

- When promoting your organisation and encouraging your members / clients to interact through a website or social network such as Facebook or Snapchat, there are a few issues to bear in mind in relation to children and young people:
  - follow Irish Sailing guidance on the use of images of children (see Photography section above)
  - ensure that the content and language on your site or page, including contributions to blogs, forums etc, is not inappropriate for younger visitors and does not link directly to unsuitable material on other sites
  - provide a clear process for parents and others to report inappropriate content or online bullying and to request that content is removed
  - have a robust procedure for handling and assessing such a report or request and acting promptly to remove the offending content.

### Late Collection

- Parents/guardians should be made aware of the start and finish times and the arrangements for drop off/collection are understood by everyone.
- Parents/guardians who wish to allow their children to go home unaccompanied should give consent in writing to do so. The activity leader still has a responsibility to consider under their duty to care if this is a reasonable safe decision made by the parent/guardian.
- If a parent is late to collect a junior, the wellbeing of the child will take precedence and they must not be left alone.
- Contact the parent using the emergency contact number. If there is no answer, ask the junior if there is another family member to contact.
- Wait with the junior at the club or venue, preferably with other staff or volunteers.
- Remind parents of the policy in relation to good practice and supervision.

### Changing Rooms

As Sporting Bodis are seen as a recreational facility, members, visitors and juniors are entitled to the use of the changing rooms, this means that often people of all ages regularly need to change and shower during the same period. Where possible, adults should avoid changing or showering at the same time as juniors, but parents should be made aware that with limited changing room space there may be occasions

where adults and children may need to share the facility. Where a parent does not consent to their child accessing the changing rooms, it is their responsibility to either supervise the child while in the changing room or ensure they do not use them.

Therefore, the following guidance in relation to adults and juniors using the changing rooms should be followed:

- Adults should exercise care when in the changing rooms at the same time as juniors.
- Parents/guardians should be made aware that adults and juniors may need to share the changing facility. The parent/guardian should discuss this with their child ensuring their child is aware of who to talk to if any issues arise in unsupervised areas.
- Parents can choose to supervise their child while they change.
- If juniors are uncomfortable changing or showering in public, no pressure should be placed on them.

## Accidents & Incidents

Parental consent forms will be obtained for all juniors who are participating in events or activities, or attending coaching. This ensures staff/volunteers running the event are made aware of any medical conditions/ medicines being taken by the participant or any existing injuries. These forms will be treated in confidence and only shared with those who require the information to perform their role effectively.

In the event of a junior requiring medical attention:

- A well-resourced first aid kit should be available at the venue.
- Parent/guardian will be contacted immediately.
- In the event of failure to contact parent/ guardian, the alternative emergency contact will be used.
- The consent form will be consulted to establish whether parents have given their consent for the Irish Sailing representative to accompany the child to seek medical attention.
- Only those with a current recognised First Aid Qualification should treat injuries.

## Code of Conduct

Children have a great deal to gain from sport in terms of their personal development and enjoyment. The promotion of good practice in sport will depend on the co-operation of all involved, including child members of sports organisation/ clubs, their parents and leaders within the organisation.

The code of conduct is an important document in setting the culture of awareness and collective responsibility to help prevent and manage safeguarding. It is also important in setting out desired behaviours against which participants may be measured fairly and equitably.

It is recommended that the Code of Conduct be adapted from this document, circulated, read and potentially signed by all participants of the sport each year, in the membership or activity sign up processes in the organisations. There are three formats for code of conduct

- Code of Conduct for Children, Parents and Leaders
- Universal Code of Conduct
- Coach Charter (appendix)

## **Code of Conduct for Children, Parents and leaders**

### **Guidelines for Children**

Young people are entitled to be provided access to enjoyable, safe sporting opportunities. Young people should also be encouraged to realise that they have responsibilities to treat other participants and sports leaders with fairness and respect.

#### **Young participants are entitled to:**

- Be safe and to feel safe
- Be listened to
- Be believed
- Be treated with dignity, sensitivity and respect
- Have a voice in the club / organisation
- Participate on an equal basis
- Be happy, have fun and enjoy sport
- Experience competition at a level at which they feel comfortable
- Make complaints and have them dealt with
- Get help against bullies
- Say no
- Protect their own bodies
- Confidentiality

### **Suggested Code of Conduct for Children**

#### **Young participants should always:**

- Treat instructors, coaches and other leaders and organisers with respect
- Play fairly at all times and do their best
- Respect fellow participants, even when things go wrong
- Respect opponents, be gracious in defeat
- Abide by the rules set down by team managers when travelling to away events.
- Behave in a manner that avoids bringing the sport of sailing into disrepute
- Talk to children's officer if they have any problems.

#### **Young players should never:**

- Cheat
- Use violence or physical contact that is not allowed within the rules
- Shout or argue with officials, teammates or opponents
- Harm team members, opponents or their property
- Bully or use bullying tactics to isolate another player
- Use unfair or bullying tactics to gain advantage
- Take banned substances
- Keep secrets, especially if they have been caused harm
- Tell lies or spread rumours

## Guidelines for Parents

Parents/Carers play a key role in the promotion of an ethical approach to sport and young people's enjoyment in sport. Sports Leaders need the support of parents/guardians in conveying the Safe, Fun and Fair Play message. Parents/guardians therefore need to be aware, informed and involved in promoting the safest possible environment for children to enjoy their participation in sport, by following the guidance below.

- Become members of the Club and contribute your time and effort in the daily running of the Club; no club can operate successfully and safely without the help of volunteers
- Understand and ensure your child/children abide by the Code
- Be available for specified duties if and when required
- Have an awareness of and respect for Leaders and other adults and their roles
- If you wish to raise an issue with a Leader this should be addressed with the Leader in an appropriate manner and not in front of children and young people
- Respect and abide by the decisions made by the Committee and other Leaders, these should be made in the best interests of the children.
- Understand the complaints process and follow the proper procedure if you feel unjustly treated, with the knowledge that any complaint will be dealt with effectively and confidentially
- Know your child's training and/or competitive programme, and accept it is your responsibility for delivering and collecting your child/children. Parents/carers should ensure they do not leave their child/children waiting unsupervised at any time.
- Promote fair play, participation and the fun, safe and positive aspects of sport.
- Be a role model for your children and young people by maintaining the highest standards of personal conduct and respectful behaviour in any activity related to the sports club/organisation
- Allow your child to focus their efforts and success in terms of their goals rather than winning being the main objective.
- Ensure appropriate leaders are informed regarding any absenteeism, details, emergency contact information, medical conditions or other relevant matters concerning your child.
- You should take opportunity to put forward suggestions and comments
- Abide by the procedures and policies in this document.
- Be aware and abide by the safeguarding policy, the rules and constitution of your organisation and the rules and constitution of your own Club.
- Always behave responsibly and not seek to unfairly affect the competition.

## Guidelines for Leaders

Code for Sport Leaders Sport Leaders play a vital role in children's sport. Sports organisations and sports groups should ensure that the work of Sport Leaders which occurs mainly on a voluntary basis, is guided by this safeguarding guidance and best practice whilst also recognising that they are entitled to obtain a healthy sense of achievement and satisfaction through their involvement in children's sport.

Leaders should act as a role model and to promote the safety and enjoyment of young people by:

- Planning and preparing appropriately
- Being positive during sessions
- Making sure all levels of participation should be enjoyable and fun
- Prioritising skill development and personal satisfaction over highly structured competition.
- Putting the welfare of young participants first, strike a balance between this and winning / results
- Setting age appropriate and realistic goals
- Avoiding favouritism – each child will need attention according to their sporting needs
- Praising and encouraging effort as well as results.
- Showing respect for all involved, children and adults.
- Encouraging fair play, treat participants equally
- Qualified and up to date with knowledge and skill of sport for young people

Recognise and ensure the welfare of children by

- Keeping attendance records
- Not exposing a child to criticism, hostility or sarcasm
- Never swearing at, ridiculing, shouting unnecessarily or arguing with a child
- Being aware of a child's developmental needs and how a child may be affected
- Working in an open environment.
- Ensuring there is adequate supervision.
- Involving and updating parents, especially if a problem has arisen.
- Respecting a child's sensitivity.
- Never using physical punishment or force
- Not using verbal or physical punishments or exclusion for mistakes.
- Recording of incident or injury of matters of Safeguarding

Where possible Leaders should avoid:

- Spending excessive amounts of time with children away from others
- Taking sessions alone
- Taking children to your home or on journey's alone in their car

Sports Leaders should not:

- Use any form of punishment or physical force on a child
- Exert undue influence over a participant in order to obtain personal benefit or reward
- Engage in rough physical games, sexually provocative games or allow or engage in inappropriate touching of any kind, and /or make sexually suggestive comments about, or to a child

## **Self-Declaration for Code of Conduct of Children, Parents and Leaders**

I acknowledge that I have read, understand, and accept the code of conduct and I agree to be bound by the areas set out in the code of conduct while participating in this sport.

**Signed:**

**Print Name:**

**Role(s):**

**Date:**

# Universal Code of Conduct

## Introduction

This code of conduct template outlines good practice procedures required of those participating in sport, regardless of what role they may play in doing so. It covers the behaviour of all involved before, during, and after the sport or training is conducted, no matter the sporting environment. All participants should recognise the pivotal role that they play in the development of sport, and should always support one another when fulfilling their roles.

## Positive Conduct

- Adopt the code of conduct as the basic agreement between all participants, the coaches, referee/officials, parents/ guardians and supporters and others who may be involved in the sport.
- Ensure that the sport is conducted in accordance with disciplined and sporting behaviour.
- Promote the responsibility and accountability for their conduct in accordance with the policies, procedures and codes of conduct in the sport.
- Respect fellow participants, members, officials, volunteers and opponents regardless of gender, civil status, family status, sexual orientation, age, disability, race and religion.
- Listen to coaches, referees, and officials, respect their decisions and appreciate their effort.
- Maintain, demonstrate and promote the highest standards of respect and positive attitude.
- Actively discourage participants from abusing referees, officials, members, or opponents.
- Promote the reputation of the sport and take all steps to prevent it being brought into disrepute.
- Respect the rights, dignity and worth of every person.
- Act as good role models - Maintain, demonstrate and promote the highest standards of integrity.
- Promote the highest standards of personal conduct, promoting fair play and safety to participants.
- Comply with the policies and procedures within the organisations.
- Encourage and applaud good performances and effort from participants and opponents alike, regardless of the result and thank opponents and officials at the end.
- Ensure that all activities are inclusive and allow all players to participate in an enjoyable way.
- Involve parents/guardians and other club members in a culture of promotion of best practice.
- Ensure safe induction and supervision of volunteers/employees.
- Be qualified and up to date with the latest rules, coaching knowledge and skills.
- Avail of assessments, participate in continuous professional development when required and other supports to maintain and improve performance.
- If working with under 18's you must undertake agreed Garda Vetting and/or background Police checks within the jurisdictions in which they officiate and attend relevant child safeguarding training.
- Understand and implement the complaints and disciplinary procedures of their sport. · Manage disciplinary matters appropriately.
- Ensure complaints including rumours are not ignored and are dealt with appropriately, following the relevant procedures.
- Report incidents/accidents to the relevant persons.

### Code of Conduct Breaches

- Shout, argue, be violent toward, threaten, intimidate, bully, abuse physically or verbally any other participants at any time, on or off the field or on Social Media.
- Use unfair or bullying tactics to gain advantage or isolate other participants.
- Use racial, sectarian or homophobic references towards any participant.
- Use foul language or provocative language/gestures or behaviour towards any participant.
- Ridicule, berate, be sarcastic or scold a participant for making a mistake during the sport or competition.
- Publish or cause to be published criticism of any dispute or disciplinary matter resulting from a breach of the code of conduct or rules of the sport.
- Behave or act in any way that infringes the rules of the sport or that seeks to gain an unfair advantage.
- Enter, before, during or after the sporting environment in which the sport is being conducted, unless authorised to do so.
- Embarrass a child or use sarcastic remarks towards any participant.
- Undertake any other unsporting like behaviour.

### Self-Declaration

I acknowledge that I have read, understand, and accept the code of conduct and I agree to be bound by the areas set out in the code of conduct while participating or attending the sport in any capacity.

Signed:

Role(s):

Date:

Reporting & Sanctions

# Appendix

## Appendix 1: Irish Sailing Safeguarding Statement

### Section 1 – Irish Sailing Information

Irish Sailing is the National Governing Body (NGB) for the sport of sailing, windsurfing and powerboating in Ireland and it provides various sporting activities and opportunities for young people through participation in their affiliate clubs, training centres, classes, national and regional bodies and through our Coaching, Training & High Performance team programmes.

Irish Sailing details:

|             |                                                                                                      |
|-------------|------------------------------------------------------------------------------------------------------|
| Name:       | Irish Sailing                                                                                        |
| Sport:      | Sailing, Windsurfing and Powerboating                                                                |
| Location:   | 3 Park Road, Dun Laoghaire, Co Dublin. A96 K3C3                                                      |
| Size:       | 24,000 members, 65 Clubs, 110 Training Centres, 42 Classes, 25 National & Regional Bodies, 19 Staff. |
| Activities: | Club & Centre Training Structures, Instructor Training, Sport Governance, Rule Governance, Coaching, |

### Section 2 - Principles to safeguard children from harm

Irish Sailing is committed to safeguarding children and by working under the guidance of our Safeguarding Policies our staff, both volunteers and employed, working with our young people, throughout the organisation, seek to create a safe environment for young people to grow and develop within sport. The following set of principles are adhered to:

- **Importance of childhood** - The importance of childhood is understood and valued by everyone involved in our sport.
- **Needs of the child** - All children's sport experiences are guided by what is best for children. This means that adults have a basic understanding of the emotional, physical and personal needs of young people.
- **Integrity in relationships** - Adults interacting with children in sport are in a position of trust and influence. They should always ensure that children are treated with integrity and respect, and the self-esteem of young people is enhanced.
- **Fair Play** - All children's sport should be conducted in an atmosphere of fair play. The principles of fair play should always be emphasised, and organisers should give clear guidelines regarding acceptable standards of behaviour.
- **Quality atmosphere & ethos** - Children's sport should be conducted in a safe, positive and encouraging atmosphere.
- **Competition** - Competition is an essential element of sailing and is encouraged in an age appropriate manner. A child centred ethos will help to ensure that competition and specialisation are kept in their appropriate place.
- **Equality** - All children are valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

### Section 3 - Risk Assessment

This Irish Sailing Risk Assessment indicates the areas of potential risk of harm, and gives the required policy, guidance or process documents require to manage and mitigate these risks.

| Risk Identified                                                                                                                                                                                                                                                                                                                                                                                                                        | Procedure in place to manage risk identified                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Club and Coaching Practices</b> <ul style="list-style-type: none"> <li>○ Lack of coaching qualification.</li> <li>○ Supervision issues.</li> <li>○ Unauthorised photography &amp; recording activities.</li> <li>○ Behavioural Issues.</li> <li>○ Lack of gender balance amongst coaches</li> <li>○ No guidance for travelling &amp; away trips</li> <li>○ Lack of adherence with misc procedures in Safeguarding policy</li> </ul> | <ul style="list-style-type: none"> <li>○ Coach education policy/Recruitment policy.</li> <li>○ Supervision policy/Training policy</li> <li>○ Photography &amp; Use of Images policy</li> <li>○ Code of Conduct / Safeguarding Training/ Complaints &amp; Disciplinary policy.</li> <li>○ Training Policy / Supervision policy.</li> <li>○ Travel/Away trip policy / Safeguarding Training.</li> <li>○ Safeguarding Policy / Complaints &amp; disciplinary policy</li> </ul> |
| <b>Complaints &amp; Discipline</b> <ul style="list-style-type: none"> <li>○ Lack of awareness of a Complaints &amp; Disciplinary policy.</li> <li>○ Difficulty in raising an issue by child &amp; or parent</li> <li>○ Complaints not being dealt with seriously</li> </ul>                                                                                                                                                            | <ul style="list-style-type: none"> <li>○ Complaints &amp; Disciplinary procedure/policy / Communications procedure.</li> <li>○ Complaints &amp; Disciplinary procedure policy / Reporting Guidelines</li> <li>○ Complaints &amp; Disciplinary procedure policy.</li> </ul>                                                                                                                                                                                                  |
| <b>Reporting Procedures</b> <ul style="list-style-type: none"> <li>○ Lack of knowledge of organisational &amp; statutory reporting procedures</li> <li>○ No DLP appointed.</li> <li>○ Concerns of abuse or harm not reported.</li> <li>○ Not clear who YP should talk to or report to.</li> </ul>                                                                                                                                      | <ul style="list-style-type: none"> <li>○ Reporting procedures policy / Coach Education policy / Code of Conduct.</li> <li>○ Reporting procedures policy.</li> <li>○ Reporting procedures policy / Safeguarding Training</li> <li>○ Poster with key roles</li> </ul>                                                                                                                                                                                                         |
| <b>Use of Facilities</b> <ul style="list-style-type: none"> <li>○ Unauthorised access to designated children's play &amp; practice areas &amp; to changing rooms, showers, toilets etc.....</li> <li>○ Unauthorised exit from children's areas.</li> <li>○ Photography, filming or recording in prohibited areas.</li> <li>○ Children sharing facilities with adults e.g. dressing room, showers etc...</li> </ul>                     | <ul style="list-style-type: none"> <li>○ Supervision policy / Training Policy</li> <li>○ Supervision policy / Training Policy</li> <li>○ Photography &amp; use of images policy</li> <li>○ Safeguarding policy.</li> </ul>                                                                                                                                                                                                                                                  |
| <b>Recruitment</b> <ul style="list-style-type: none"> <li>○ Recruitment of inappropriate people.</li> <li>○ Lack of clarity on roles.</li> <li>○ Unqualified or untrained people in role.</li> </ul>                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>○ Recruitment policy.</li> <li>○ Recruitment policy.</li> <li>○ Recruitment policy.</li> </ul>                                                                                                                                                                                                                                                                                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Communications</b> <ul style="list-style-type: none"> <li>○ Lack of awareness of ‘risk of harm’ with members and visitors.</li> <li>○ No communication of Child Safeguarding Statement of Code of Behaviour to members of visitors.</li> <li>○ Unauthorised photography &amp; recording of activities.</li> <li>○ Inappropriate use of social media &amp; communications by under 18’s</li> </ul>                                                                           | <ul style="list-style-type: none"> <li>○ Child Safeguarding Statement / Safeguarding Training Policy.</li> <li>○ Child Safeguarding Statement (display)/ Code of Conduct/Coach Charter (distribute).</li> <li>○ Photography &amp; Use of Images policy</li> <li>○ Social Media Policy/whatsapp policy/anti bullying policy/Code of conduct</li> </ul> |
| <b>General Risk of Harm</b> <ul style="list-style-type: none"> <li>○ Harm not being recognised.</li> <li>○ Harm caused by: <ul style="list-style-type: none"> <li>○ Child to Child.</li> <li>○ Coach to Child.</li> <li>○ Volunteer to Child.</li> <li>○ Member to Child.</li> <li>○ Visitor to Child.</li> </ul> </li> <li>○ General behavioural issues.</li> <li>○ Issues of Bullying.</li> <li>○ Vetting of staff/volunteers.</li> <li>○ Issues of Online Safety</li> </ul> | <ul style="list-style-type: none"> <li>○ Child Safeguarding Training Policy</li> <li>○ Safeguarding policy / Child Safeguarding Training Policy/physical contact policy</li> <li>○ Code of Conduct.</li> <li>○ Anti-Bullying policy.</li> <li>○ Recruitment policy / Garda Vetting policy.</li> <li>○ Social Media policy.</li> </ul>                 |

The Risk Assessment was undertaken on **12<sup>th</sup> September 2024**



Tim Bourke, CEO & Interim National Children’s Officer, Irish Sailing.

#### **Section 4 – Procedures**

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015 The Children First: National Guidance, Tusla’s Child Safeguarding: A Guide for Policy, Procedure & Practice and Sport Ireland’s Safeguarding Guidance for Children & Young People in Sport.

In addition to our Risk Assessment document described above, there are further procedures that support our intention to safeguard children while they are availing of our activities.

Irish Sailing has the following policies & procedures in place and available:

- Procedures for the management of allegations of abuse or misconduct by staff or volunteers against a child availing of our activities.
- Procedures for the safe recruitment of staff and volunteers to work with children in our activities.
- Procedures for access to child safeguarding training and information, including the identification of the occurrence of harm.
- Procedure for reporting of child protection or welfare concerns to Statutory Authorities.
- Procedure for maintaining a list of the persons in the relevant service who are mandated persons.

## Section 5 – Implementation

Irish Sailing is committed to the ongoing implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm.

Please note the following:

- That all staff have been furnished with a copy of this statement.
- This statement and supporting policies will be displayed on our website at [www.sailing.ie](http://www.sailing.ie) for all.

This Child Safeguarding Statement will be reviewed on or before 12<sup>th</sup> September 2026

Signed:

A handwritten signature in black ink, appearing to read "Tim Bourke", on a light grey rectangular background.

Date: 12<sup>th</sup> September 2024

Tim Bourke

CEO & Interim National Children's Officer, Irish Sailing

For queries on this Safeguarding Statement, all relevant concerns, allegations, complaints and their outcomes should be notified to Irish Sailing's National Children's Officer & Mandated Person please contact Irish Sailing Safeguarding at 01 2710113 or [safeguarding@sailing.ie](mailto:safeguarding@sailing.ie)

## Appendix 2: References and source material

Children First Act 2015

Children First: National Guidance for the Protection and Welfare of Children 2017

Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice

Sport Ireland Safeguarding Guidance for Children & Young People

The United Nations Convention on the Rights of the Child

The Child Care Act 1991

The Protections for Persons Reporting Child Abuse Act 1998

Criminal Justice Act 2006

Criminal Justice (Withholding of Information on Offences Against Children & Vulnerable Persons) Act 2012

Criminal Law (Sexual Offences) Act 2017

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016

Child Protection in Northern Ireland Legislation, policy and guidance

Safeguarding Vulnerable Groups (NI) Order 2007

Protection of Freedoms Act 2012

Access NI Code of Practice (NI)

Children (NI) Order 1995 (NI) Children's Services Co-operation Act (Northern Ireland) 2015 (NI)

Club Framework for Safeguarding Standards In Sport

Co-operating to Safeguard Children and Young People 2017

Criminal Law Act (Northern Ireland) 1967 (NI)

General Data Protection Regulation (EU) 2016/679 (GDPR)

Part V of the Police Act 1997 (NI)

Rehabilitation of Offenders (Exceptions) (Northern Ireland)

Order 1979 (as amended 2013) (NI)

Safeguarding Board Act (Northern Ireland) 2011 (NI)

Sexual Offences (NI) Order 2008

Sport Ireland [www.sportireland.ie](http://www.sportireland.ie)

Sport Northern Ireland [www.sportni.net](http://www.sportni.net)

Data Protection Commission [www.dataprotection.ie](http://www.dataprotection.ie)

Sport Ireland SafeSport App: <https://www.sportireland.ie/ethics/safesport-app>

### Appendix 3: The Irish Sailing Instructors & Coaches Charter

Irish Sailing Instructors and Coaches play a crucial part in introducing participants to the activities and sports administered and represented by Irish Sailing and for developing these people into lifelong participants

As an Irish Sailing Instructor or Coach, you are the face of Irish Sailing to all your participants. You represent the sport and lifestyle that you love, and which has given you so much.

Instructors and Coaches are role models to all course participants and are given a position of authority and influence, particularly with young and vulnerable participants.

The environment in which we enjoy our activities is very different to those used for many conventional sports. The safety of your participants, in what may be an unfamiliar environment for them, is your responsibility.

When they leave you, your participants will be practicing the skills and knowledge they learnt and practiced with you. It is important that what you taught was correct and that it is appropriate to their level of competency.

For these reasons it is important that Irish Sailing Instructors and coaches conduct themselves in an appropriate manner cognisant of the influence they have on other people's safety, welfare, behaviour and participation in watersports.

This document sets out standards of behaviour and good practice expected of Irish Sailing instructors and coaches under the headings. During your Instructor or Coach training course you will be asked to read and then sign this charter agreeing to uphold the principals it sets out.

I agree with the principles and procedures set out in this charter and agree to abide by them.

#### Irish Sailing Instructor / Coach

|                      |
|----------------------|
| Date                 |
| Name                 |
| Signature            |
| Course code / number |

#### For Irish Sailing

|                                         |
|-----------------------------------------|
| Date                                    |
| Name - Instructor Trainer / Coach Tutor |
| Signature                               |
|                                         |

(signed by all Irish Sailing qualified Instructors & Coaches completing training since June 2012)

### **As an Irish Sailing Instructor or Coach, I will.....**

- Hold the welfare of my participants as my primary and overriding concern.
- Create and maintain a safe environment in which my participants can learn and practice.
- Ensure that all activities are appropriate to the skill stage and ability of my participants.
- Set realistic goals for participants that are challenging yet achievable.
- Ensure that the equipment and facilities I use are appropriate and fit for purpose.
- Be generous with praise when it is deserved.
- Never ridicule or shout at participants for making mistakes.
- Ensure that all participants participate in activities, games, races etc.
- Give all participants equal time irrespective of ability.
- Respect the rights, dignity and worth of every person and treat everyone equally within the context of their sport.
- Be reasonable in demands on participants' time, energy and enthusiasm.
- Be fit for work and presented in a neat and appropriate manner.

### **When participating in a club I will.....**

- Develop and foster an environment where participants are proud of their club and the efforts the club and its officers make in running the organisation and its activities.

### **When coaching for competition I will.....**

- Encourage a respect for the ability of opponents, as well as for officials and their decisions.
- Insist on fair and disciplined participation.
- Ensure the level and type of competition you are preparing your participants for is appropriate.
- Foster a culture where participants recognise improvement as success. Be aware that only one person or team can win a race or event.

### **When working with children and vulnerable adults, I will.....**

- Be aware of the responsibilities that I take on when I work with, or care for, children and vulnerable adults.
- Bear in mind that I am acting in "loco parentis" and to that extent the duty of care may be more onerous than that of an instructor working with an adult.
- Lead by example - with an awareness of the affect bad or inappropriate behaviour has on young children
- Remember that participating for fun is more important than highly structured competition. Winning must never be the only objective.
- Not push young participants into competitions orientated towards adults where these are inappropriate to their ability, experience or endurance.
- Be aware of, and respect, the limitations on concentration, endurance, strength and trainability that exist with young participants.
- Have read, understand, and be in a position to implement the principals and practice set out in Irish Sailing's Code of Ethics and Good Practice for Children's Activities.
- Be aware of the procedures for and report, any concerns about a child's welfare or suspicions that a child is being abused or is at risk of abuse to appropriate officials.

**While still a participant, Instructor or Coach I will....**

- Maintain and develop my own personal skills and knowledge so that I am able to pass these on with authority.
- Constantly challenge myself to develop, implement and refine my instructional / coaching methods and strategies.
- Keep myself informed on sound instructional / coaching principles and methods through personal study and by attendance at conferences and seminars.
- Ensure that my Irish Sailing certification is up-to-date and that I hold a current emergency care or approved first aid certificate.

## Appendix 4: Legislation

### Child Care Act 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

[www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html](http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html)

### Protections for Persons Reporting Child Abuse Act 1998

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

[www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html](http://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html)

### Criminal Justice Act 2006

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by: 1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or 2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

[www.irishstatutebook.ie/eli/2006/act/26/enacted/en/html](http://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/html)

### Criminal Justice (Withholding of Information on Offences Against Children & Vulnerable Persons) Act 2012

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. The provisions of the Withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

[www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html](http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html)

### National Vetting Bureau (Children & Vulnerable Persons) Acts 2012–2016

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

[www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html](http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html)

### **Children First Act 2015**

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 First Act 2015 - [www.irishstatutebook.ie/ eli/2015/act/36/enacted/en/pdf](http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf)

### **Criminal Law (Sexual Offences) Act 2017**

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

Criminal Law (Sexual Offences) Act 2017 - [www.irishstatutebook.ie/eli/2017/act/2/enacted/ en/html](http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html)