

Seirbhís Chúnaimh
d'Fhostaithe na Státseirbhíse



Civil Service Employee
Assistance Service

CSEAS GUIDELINES ON SAFEGUARDING CHILDREN

February 2018: Revised guidelines in light of new Children First Guidance published by Department of Children and Youth Affairs 2017

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1. INTRODUCTION

- 1.1. The Civil Service Employee Assistance Service (CSEAS) is a staff support service and plays a key role in an ethos of promoting employee wellness and organisational effectiveness. Confidential assistance is provided to staff and management across the Civil Service which aims to assist staff to manage work and life difficulties which, if left unattended, could adversely affect work performance and/or attendance. Provision of a service of this nature arises from a recognition that staff are a valued resource, whose continued wellbeing contributes to the overall efficiency and effectiveness of the Civil Service.
- 1.2. The CSEAS operates regionally as a shared service under central management within the Department of Public Expenditure and Reform (DPER).
- 1.3. All CSEAS staff should be familiar with this document.
- 1.4. CSEAS staff comprise CSEAS Manager, Employee Assistance Officers (EAOs) and admin staff.
- 1.5. All CSEAS staff have completed the Tusla Children First E-Learning Programme.
- 1.6. These guidelines have been developed in line with the principles of Children First¹. A copy of Children First is available to view on the Tusla Website at <http://www.tusla.ie/children-first>
- 1.7. Definitions of Child Abuse are available at <http://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/>
- 1.8. The CSEAS recognises and upholds the right of children and young people to dignity, integrity and all other rights. The CSEAS recognises that the welfare of children and young people is of paramount importance. See key principles from Children First at link in Appendix 1.
- 1.9. The CSEAS does not investigate or take an interrogative approach in situations relating to child safety and welfare.
- 1.10. Where CSEAS staff have concerns about child safety and welfare, this should be discussed with the Designated Liaison Person (DLP) (*see paragraph 7 below on the DLP*) and referred to Tusla or An Garda Síochána for appropriate management.
- 1.11. CSEAS clients will be informed of the exceptions to confidentiality, including the need to report child protection issues to Tusla and/or An Garda Síochána as appropriate.
- 1.12. Employee Assistance personnel are not listed as mandated persons in the Schedule of Mandated Persons under the Children First Act 2015. While some of the staff have

¹ Children First National Guidance for the Protection and Welfare of Children Department of Children and Youth Affairs 2017

qualifications in a range of disciplines such as psychology, social work, social care, counselling, psychotherapy, no CSEAS staff member is employed in those capacities.

2. CSEAS RESPONSIBILITIES

- 2.1. The CSEAS deals primarily with adults only in the Civil Service and in a small number of Public Service Bodies. There may be rare occasions when the CSEAS may have contact with Civil Service employees who are under 18 e.g. TCOs. Otherwise the CSEAS does not engage directly with children. However, in the course of their work CSEAS staff may encounter any of the following situations:
- TY Students or Interns under the age of 18 who are in the Civil Service or Public Service body in the CSEAS remit
 - Employee Assistance Officers (EAOs) in dealing with CSEAS clients, may become aware of information relating to child abuse
 - CSEAS clients may make a retrospective disclosure of childhood abuse
 - Occasionally EAOs may need to visit staff members in their homes e.g. while a staff member is on sick leave. Concerns may arise, for the EAO, in relation to child welfare, as a result of the visit
 - Clients attending CSEAS appointments, either in a CSEAS office or at an off-site public venue, who bring children with them to the appointment (see CSEAS Guidelines 2.3 and Sections 4 and 5 below on this point)
- 2.2. In the event that the CSEAS is engaging with staff under 18, and is aware of the age of the staff member the following applies
- 2 EAOs will be present at any meeting where possible. If a second EAO is not available, another trusted person should be in attendance e.g. HR staff or line manager.
 - The safeguarding issues will be explained to the individual
 - It will be pointed out that parental/guardian consent will be necessary to provide CSEAS services
 - If the parent or guardian is the alleged abuser, this may impact on the issue of consent. Should this arise discuss with the DLP
 - In order to support the individual, every effort will be made to ensure that s/he is connected with an appropriate person e.g. parent/guardian, social worker, GP
- 2.3. Where an EAO has reasonable concerns or is worried about a child's safety or welfare, the EAO should discuss this with the DLP in the CSEAS (see Section 3 below), or contact Tusla – Child and Family Agency for advice <http://www.tusla.ie/>
- 2.4. A decision will be taken as to whether or not a report should be made to Tusla. Records will be kept outlining the reasons for this decision.

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- 2.5. Where it is thought that a child is in immediate danger, contact can be made with Tusla and/or An Garda Síochána.
 - 2.6. If the DLP is unavailable, the EAO can make contact with Tusla and/or An Garda Síochána as appropriate.

3. INFORMATION RECEIVED REGARDING CHILD/CHILDREN AT RISK

- 3.1. The following steps should be taken by CSEAS staff where they have:
 - 1) **reason to believe that a child/children is/are at risk based on information given by a CSEAS client or**
 - 2) **received a retrospective disclosure of childhood abuse**
 - Advise the client of the CSEAS guidelines on safeguarding children and the responsibility to keep children safe
 - Where clients disclose abuse that took place during their childhoods, **it is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures**
 - Advise the client of the need to report child protection concerns to Tusla
 - Support and explore options with the client in taking appropriate steps to keep the child at risk safe
 - Encourage the client to disclose this information directly to the appropriate authorities i.e. encourage the client to contact Tusla to discuss their concerns and/or make an appropriate report
 - If the client considers the child to be in immediate danger and they cannot contact the HSE, the client should contact An Garda Síochána. The client will need to provide confirmation to the EAO that the matter has been reported to a relevant authority including independent verification.
 - Discuss the case immediately with the CSEAS DLP. If the DLP is not available seek guidance from Tusla.
 - If the client chooses not to report to the relevant authority, the EAO will seek guidance from the CSEAS DLP on further action with regard to reporting to the relevant authorities
 - If a decision is taken to make a report to the relevant authority, if it is safe to do so, inform the client. For example, you may fear for your own safety or a third party safety by the behaviour of the client.
 - The DLP will discuss any case referred to him/her with the referring EAO. Records of any contact with the relevant authority reported to, as well as steps taken, will be retained on the CSEAS Record Management System (associated with the clients file).
 - As with all CSEAS records, any records relating to Child Safety concerns will be held confidentially and securely (see CSEAS Record Management Guidelines).

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- In cases where it is decided not to report concerns to Tusla or An Garda Síochána, the EAO who raised the concern will be given a clear written statement by the DLP as to why no action was taken. If an EAO remains concerned about the situation, they are free as individuals to consult with, or report to, Tusla or An Garda Síochána once they communicate 'reasonably and in good faith'.

4. HOME VISITS BY CSEAS STAFF

4.1. Home visits by EAOs are rare and only undertaken on an exceptional basis. EAOs should adhere to the following principles where it is proposed to visit staff members in their homes, and where there is the possibility of children being present:

4.1.1. Before agreeing to visit a home where children may be present it will be necessary to explain the CSEAS policy regarding children, informing the client that

- It is not appropriate for children to be party to information that may stress or worry them
- It is not appropriate to discuss adult issues in front of children or persons under 18 years old

4.1.2. Consider whether or not the visit should be made at all. If it is going ahead, consider whether or not a colleague should accompany the EAO concerned

4.1.3. Aim to reschedule the appointment for a time that children won't be present

4.1.4. Adhere to the CSEAS guidelines for off-site working

4.1.5. Avoid, if at all possible, being alone with children during a home visit, where that home visit is unavoidable

4.1.6. Never offer a child a lift during a home visit, even if asked by parents to drop the child off somewhere on your way

4.1.7. Never bring something to a house for a child or offer money to a child

5. CHILDREN ACCOMPANYING A CLIENT WHEN ATTENDING AN APPOINTMENT AT A CSEAS OFFICE OR AT AN OFF-SITE PUBLIC VENUE

5.1. Clients should not bring children to appointments with CSEAS

5.2. Should it happen that a client arrives for an appointment with a child, the EAO should explain the CSEAS policy regarding children and re-schedule the appointment

6. CSEAS CONFIDENTIALITY

- 6.1. In the interests of the child, all information regarding concern(s) of child abuse or neglect should be shared on a 'need to know' basis with the relevant statutory authorities. No undertakings regarding secrecy can be given.
- 6.2. CSEAS staff adhere to the CSEAS policy on confidentiality, including the exceptions to confidentiality, being:
 - Life-threatening situations to the individual, other parties or the public
 - Where there is a statutory responsibility to report
 - Where required by a court or legal process to do so
 - Where non-disclosure of information could compromise the CSEAS
 - Where the CSEAS becomes aware of a breach in criminal law, disclosure may be necessary

7. DESIGNATED LIAISON PERSON (DLP) IN CSEAS

- 7.1. The Designated Liaison Person (DLP) acts as a liaison with outside agencies and a resource person to any staff member who has child protection concerns.
- 7.2. The DLP is responsible for ensuring that suspected cases of child neglect or abuse are referred promptly to Tusla or, in the event of an emergency and the unavailability of Tusla, to An Garda Síochána. If the DLP is unavailable, the EAO should consult with two other EAOs, if possible, for guidance.

The Designated Liaison Person (DLP) for the Civil Service Employee Assistance Service is:

CSEAS MANAGER
4th Floor, St. Stephen's Green House
Earlsfort Terrace
Dublin 2
D02 PH42
Landline: 0761 00 00 31
Email: cseas@per.gov.ie

8. REPORTING PROCEDURE

- 8.1. Where an EAO has any concerns about a child's welfare, they should discuss these with the DLP. Direction from Tusla may be sought. Where the DLP is unavailable, contact Tusla directly for guidance. Where the guidance from Tusla is that the matter should be reported, this should be done to Tusla. A report can be made in person, by telephone or in writing. Tusla has template forms for making reports on their website.
- 8.2. Contact numbers are available on the Tusla website <http://www.tusla.ie/children-first/contact>
- 8.3. Refer to the Tusla website page on Reporting a concern <http://www.tusla.ie/children-first/report-a-concern>
- 8.4. In the event of an emergency where it appears that a child is in immediate danger and the DLP or Tusla are unavailable, An Garda Síochána can be contacted.

9. REPORTING RETROSPECTIVE CHILD ABUSE

- 9.1. Where the CSEAS receives information about historical child abuse, this information needs to be reported to Tusla as the alleged abuser may pose a current risk to children. This should be discussed with the DLP.

Extract from Tusla “Retrospective Abuse Report Form (RARF) – Guidance Notes – November 2017”: Please refer to the full document on the Tusla website http://www.tusla.ie/uploads/content/RARF_Guidance_Note_FINAL.pdf

“The term retrospective abuse refers to abuse that an adult experienced that took place during their childhood. In terms of retrospective abuse, a report needs to be made to Tusla where there may be a current or potential risk to children from the person against whom there is an allegation. Retrospective abuse is also known as historic(al) abuse.”

- 9.2. The Retrospective Abuse Report Form (RARF), available for the Tusla website, should be used to make the report to Tusla.

10. LEGAL PROTECTION

- 10.1. When making a 'bona fide report', you are protected under the Protection for Persons Reporting Child Abuse Act, 1998.
- 10.2. If a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted 'reasonably and in good faith' in making the report.
- 10.3. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

11. FREEDOM OF INFORMATION

- 11.1. Records are confidential. Individuals have a right to access records relating to themselves and have a right to have official information about themselves amended where it is incorrect, incomplete or misleading.
- 11.2. Individuals have a right to be given reasons for decisions made concerning themselves. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner.

12. DATA PROTECTION

- 12.1. The Data Protection Acts afford similar rights to individuals to access personal data held about them. However, the right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where the third party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making a child welfare report in response to a request under the Data Protection Acts.

13. TRAINING CSEAS STAFF

- 13.1. In order to ensure that CSEAS staff are familiar with and able to recognise the principal types of child abuse, all CSEAS staff have attended a training module on safeguarding children delivered by a member of the team who is trained in this regard. Similar training will also be provided to any new staff joining the CSEAS in the future. Format and content of training will be reviewed regularly, in order to comply with best practice.

This module includes information on:

- How to recognise child abuse in the 4 relevant areas (see Definitions of Child Abuse at <http://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/>)
 - Neglect
 - Physical Abuse
 - Emotional Abuse
 - Sexual Abuse
- Responsibilities for reporting
- What to do if there is concern for child welfare
- Adult referral services to which clients, who may present with issues which may affect children e.g. domestic violence, can be referred

- 13.2. CSEAS staff have also undertaken the Tusla Children First E-Learning module on the Tusla website

14. CSEAS CODE OF PRACTICE

- 14.1. CSEAS staff adhere to the CSEAS Code of Practice available to view on the CSEAS website www.cseas.per.gov.ie

APPENDIX 1: KEY PRINCIPLES OF BEST PRACTICE IN CHILD PROTECTION AND WELFARE

Extract from Children First 2017

“Key principles of child protection and welfare that inform both Government policy and best practice for those dealing with children. These are:

The safety and welfare of children is everyone’s responsibility

The best interests of the child should be paramount

The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm

Interventions by the State should build on existing strengths and protective factors in the family

Early intervention is key to getting better outcomes. Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used

Children should only be separated from parents/guardians when alternative means of protecting them have been exhausted

Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives

Parents/guardians have a right to respect, and should be consulted and involved in matters that concern their family

A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. Where there is conflict, the child’s welfare must come first

Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of children”

APPENDIX 2: RESOURCES AVAILABLE ON THE TUSLA WEBSITE

Tusla Children First Website contains all relevant information on Safeguarding Children <http://www.tusla.ie/>

Specific helpful links are:

Definitions of Child Abuse <http://www.tusla.ie/services/child-protection-welfare/definitions-of-child-abuse/>

Reporting Forms <http://www.tusla.ie/children-first/publications-and-forms#SRP>

Children First National Guidance for the Protection and Welfare of Children http://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

Tusla Social Worker Contact Details <http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker>