

Community Employment – Procedures Manual

Appendix 1

GUIDELINES AND PROCEDURES FOR DEALING WITH PROTECTION OF VULNERABLE GROUPS

DSP recommends that the following points be incorporated in procedures drawn up by Sponsors:

Introduction

In working with children the protection and welfare of the child or young person must always be the first priority. Protecting children is not just about policing or investigating the possibility of abuse, it is also about preventing abuse. It is DSP policy to require all Community Employment Sponsors who undertake projects which deal with young people or with people with special needs, to have in place procedures to deal with the protection of these vulnerable groups.

It is the responsibility of Sponsors to draw up and implement clear and precise procedures to deal with any allegation, disclosure or suspicion of abuse of children or vulnerable clients. DSP has developed Guidelines to assist sponsoring bodies in drawing up such procedures and these guidelines are set out in this document.

The contents of these Guidelines are based upon consultation with and information received from the Department of Health and Children, the Health Service Executive and from organisations such as the Irish Society for the Prevention of Cruelty to Children. It is important that these Guidelines should be read in association with the Department of Health [“Children First - National Guidelines for the Protection and Welfare of Children”](#).

The procedures should in the first instance, be based on an overall ethos which places a primary value on children and/or people with special needs. They must also recognise children and/or people with special needs as the primary or major consumers of the services being provided.

Procedures should aim to provide a framework within which sponsoring bodies will:

- a. Create a safe and secure environment for children and/or for people with special needs.
- b. Help lessen the possibility of persons with a criminal record or with a history/ background of offences relating to abuse, being recruited.
- c. Help to ensure that the best available person is recruited to work with children/people with special needs.
- d. Deal in a correct and sensitive manner with all allegations, suspicions or disclosures of abuse.

Definition of Child

For the purposes of these guidelines a 'child' means a person under the age of 18 years - other than a person who is or has been married (Child Care Act, 1991). It should also be noted that for the purpose of criminal law, the age of consent to sexual activity is 17 years if single (16 years if married).

Children with disabilities are particularly vulnerable. They have the same rights to be protected as other children. The existing literature on protecting children with disabilities clearly demonstrates the need for much greater vigilance in order to protect children and young people with disabilities and special needs.

Adults with Special Needs

While these guidelines are designed to assist Sponsors draw up procedures to provide primarily for the protection of children and young people, Sponsors are advised that procedures should also be developed, where applicable, which aim to protect adults with special needs, such as people with mental handicap and those availing of personal care services.

Definition of Child Abuse and Neglect

Child abuse is often the result of a direct act, or of a failure on the part of a parent or carer to act or to provide proper care, or both. These guidelines are concerned not just with sexual abuse but with abuse more generally defined as

- * **physical** - this form of abuse involves physical injury to a child, including poisoning, where it is known or suspected that the injury was deliberately inflicted
- * **sexual** - this is the use of children by others for sexual gratification. It is the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend and to which they are unable to give informed consent
- * **emotional** - this is the adverse effect on the behaviour and emotional development of a child caused by persistent or severe emotional ill-treatment or rejection
- * **neglect** - this involves the failure to provide the care, food and physical conditions, including protection from danger, that will allow a child to develop normally

Preparing Procedures

DSP requires that Sponsors should have procedures in place to deal with each of the following areas:

- Interview
- Selection
- Induction

- Dealing with suspicions or allegations of abuse external to the project
- Dealing with suspicions or allegations of abuse against a Community Employment participant, Supervisor, Sponsor or other personnel.

All procedures drawn up by Sponsors should be:

- based on an overall ethos which values childhood and recognises and addresses the needs of children where they are consumers of the services
- clear, concise and detailed without ambiguity
- relevant to the project and more generally to the work of the sponsoring body
- underpinned with principles of confidentiality, discretion and sensitivity both for children and alleged offenders
- applied to Community Employment participants, supervisors and as a general recommendation to all staff of the sponsoring organisation and should be written into the overall organisational and personnel policies and procedures of the sponsoring body.

Procedures are only of value if they are known about and applied. Sponsors need, therefore, to draw up a programme of action to ensure that the procedures are widely disseminated to all staff.

Designated Individual

It is recommended that each sponsoring body designates a responsible individual, ideally a person who has long-term connections with the sponsoring body and/or project, to act as a Co-ordinator. This individual would take responsibility for the development and implementation of the procedures and would act as the liaison person between the sponsoring body and the Director of Community Care.

Health Service Executive Responsibility

Under the [Child Care Act 1991](#) a statutory duty is placed on each Health Board (now superseded by the HSE) to promote the welfare of children in its area who are not receiving adequate care and protection.

It is important to note that the responsibility for monitoring and co-ordinating the management of child abuse cases rests with the Health Service Executive as part of their child care services provided within the Community Care Programme.

Initial Steps

As a first step Sponsors need to inform themselves about the issues surrounding abuse and of their responsibilities in this area. Sponsors should, therefore, make direct contact with the Senior Social Worker, Community Care, in their HSE area. Sponsors should meet with the Senior Social Worker to further their understanding of the issues surrounding child abuse and seek their assistance in drawing up procedures for the recruitment, selection and induction of all workers including Community Employment participants.

Sponsors should also seek information on the local procedures adopted by the Health Service Executive for dealing with child abuse in order to comply with such procedures. It

is imperative that Sponsors are informed about the action which will be taken following the reporting of a case of suspected abuse.

The Health Service Executive may be in a position to provide training to sponsoring organisations and to Community Employment participants.

Useful reading materials are listed at the end of this appendix.

Garda Vetting

Please refer to the DSP Garda Vetting Policy and Procedures for CE & JI.

Interviewing & Selection

The aim of procedures in this area is to minimise the risk of recruiting people who are unsuitable to work with children and other vulnerable clients and to encourage good selection and recruitment practices to ensure that the most suitable candidates are selected.

Interviewing

- As a basic principle all candidates should be interviewed
- At least two people should make up the interview panel. Ideally the panel should be of mixed gender
- Interviews should be probing and should aim to establish the motivation and general philosophy of the applicant towards the care of children
- The panel should seek detailed information on the candidate's previous involvement (paid or voluntary) in the care area
- Reasons given for leaving previous employment(s) should be explored
- Where a candidate has lived and worked outside of Ireland in the preceding twelve months, their work history and reasons for leaving their employment(s) should be examined.

Background/Work History of Candidates

As part of the application candidates should be required to provide in writing the following information. This information should then be explored in detail at interview:

- statement of all surnames used
- list of all residences for the previous 2 years
- if candidate has worked overseas in the previous twelve months, in the care/personal care services area, full details of employer's name and address
- details of involvement in childcare/personal care area over the past 2 years and names and addresses of employer(s)
- candidates are to be asked for details of any disciplinary action taken against them both in the context of working with children and in non-work situations such as sport and recreational activities
- candidates should be asked if they have ever been dismissed from a position
- candidates should be asked if they have ever been convicted of a criminal offence and the date of that offence.

N.B. The candidate should be asked at interview to sign a declaration stating the accuracy of the information given.

Candidates should be informed that they may choose not to comply but, that if they fail to comply with this request, their application will not be processed further.

Selection

To ensure the protection and welfare of children and/or vulnerable clients, Sponsors are advised to thoroughly screen all candidates.

Following up all references is an important mechanism for screening.

At least three references should be obtained from each candidate. Of these references, one should be obtained from an employer where the candidate was engaged in the care area.

- All references should be checked thoroughly
- Written references should be followed up verbally
- When seeking verbal and written references these key questions should be asked:
 - “Is there any reason, that you are aware of, why this person should not be put in the position of working with children or vulnerable clients?”
 - “Has this person ever had disciplinary action taken against them?”
- Selection of Candidates should not be finalised until all references have been obtained

Induction of Community Employment Participants

It is important that all personnel recruited to a project or who will be working on activities connected to the project, are informed about the issue of abuse and the procedures which operate in the event of their being involved with a disclosure, suspicion or allegation of abuse.

Ideally, the issue should be dealt with as part of a more general induction programme. The following points are guidelines to be considered when designing such a programme. Sponsors should build into this programme their own ethos and points of particular relevance to them.

Personnel should receive information on the following:

- The overall philosophy of the project which values childhood and/or vulnerable groups and recognises children and young people/people with special needs as the primary concern of the project
- The role and responsibility of participants in providing a safe environment for children, young people and vulnerable groups.
- A clear description of the role of the Community Employment participant in respect of his/her responsibility to the children, other clients, other participants/workers, the supervisor and the sponsor

- Written information about the project's structure, names and functions of staff engaged on the project
- The tasks and responsibilities expected from the Community Employment participant/ supervisor
- Information on abuse including the various forms of abuses i.e. physical, sexual, emotional and neglect
- Procedures for dealing with allegations/suspicious of child abuse either reported by an adult or child
- Information on procedures for the investigation of alleged abuse.

Dealing with allegations or suspicions of child abuse

It is essential that Sponsors have in place clear and precise procedures in relation to the steps to be taken by a participant, supervisor or sponsor when there is an allegation, disclosure or suspicion of abuse of children or of vulnerable clients made. Two set of procedures are required.

One set of procedures is required to deal with allegations or suspicions or disclosures which have come to the attention of project personnel but are not linked directly to the project staff.

The second set of procedures is required to deal with suspicion, allegations or disclosures made against personnel either directly involved in the project or employed or involved in the sponsoring organisation.

Handling allegations, disclosures or suspicions which are not directly linked to the project

1. If any member of the project team receives an allegation or has a suspicion that a child is being abused, he/she should in the first instance, report the matter to the Community Employment supervisor
2. The supervisor should report the matter directly to the project Sponsor. If the Sponsor is not available at that time, he/she should proceed as at (3) and advise the Sponsor later
3. The Sponsor should report the matter to the local Child Care Manager (CCM). Contact details are on the [HSE website](#).
4. It is not the responsibility of the Sponsor or Project Personnel to make enquiries of parents. It is the responsibility of the CCM to investigate suspected abuse and determine what action to take, including notifying parents and/or Gardaí
5. If a member of the project personnel receives an allegation or has a suspicion that a child is being abused by another child on the project, the guidelines outlined above should apply
6. When information is offered from a child in confidence, the person to whom the child has confided should assure the child that everything possible will be done to protect and support him/her, but that the child understands that it will be necessary to involve other adults

7. Confidentiality must be maintained. To ensure this it is imperative that those involved only discuss the matter with those directly involved in the particular case, so as to avoid slander/character defamation.

Handling allegations, disclosures or suspicions made against project personnel

Allegations of misconduct against individual members of a project are difficult for all involved in that project. Sponsors should have clear policies and procedures for all staff to ensure the safety of the children and all users of the services. All members of the project should be informed of these policies and procedures.

1. If any member of the project team receives an allegation or suspects that a child is being abused by another member of the project team, she/he should in the first instance report the matter to the Supervisor. The Supervisor should immediately report the matter to the Sponsor
2. If the Supervisor is the alleged offender then the matter should be reported directly to the Sponsor
3. If a member of the sponsoring body is the alleged offender, then the matter should be reported directly to another member of the sponsoring committee
4. A written confidential record should be kept at each stage of the process
5. The Sponsor should inform the participant concerned of the suspicion or the allegation which has been made
6. Written records of any statements made by the individual should be maintained
7. The individual should be advised of the steps to be taken in investigating the situation
8. The Sponsor should report the matter directly to the local Child Care Manager (CCM)
9. The alleged offender should be removed from direct/indirect contact with children until the matter is investigated. In some instances it may be necessary to suspend the individual on full pay pending the outcome of the investigation
10. Only those in the direct management line should be informed of the reason for any suspension
11. Confidentiality must be maintained. To ensure this it is imperative that those involved only discuss the matter with those directly involved in the particular case, so as to avoid slander/character defamation.