

Dublin Shakespeare Society Child Protection Policies

Confidentiality

Confidentiality involves managing sensitive information that, in the context of Dublin Shakespeare Society (DSS), is provided in the expectation that it will be properly managed. DSS recognises that a guarantee of confidentiality is an important factor in determining the level of trust its stakeholders hold in the organisation. The organisation is committed to handling confidential information in a manner that is respectful, purposeful, professional and meets statutory requirements. The following information is held by DSS and should be treated as confidential. This list is not exhaustive:

- DSS's Child Safeguarding Policy and Procedures February 2025
- Garda Vetting Information including garda vetting application forms and disclosures
- Participant Information/Parental Consent Forms that include details such as date of birth, info, etc.
- Information that is gathered for research purposes that includes personal details such as ethnicity, age etc.
- Contact information such as phone numbers, email addresses

Who has access to confidential information:

The following have access to confidential information through their involvement in DSS.

- DSS Committee officers have access to contact details of members and are privy to potentially sensitive information.
- Artistic and Production Team on events/productions. Individuals in this category may be given information on participants such as details of medical conditions or special requirements that may impact on a participant's artistic involvement in a programme or project. This information will only be shared with those who have a direct need to be aware of it and only when it is in the best interests of the young person. Parents/primary carers are informed about how this information is used and permission to disclose it on 'a need-to-know basis' is sought.

Managing Confidential Information

DSS requires that all those who have access to confidential information as a result of their involvement with DSS, adhere to the following:

- A staff member/volunteer may receive information that is confidential in error as in the case of an overheard conversation. Any information gained in this fashion is subject to the same conditions as information gained in an authorised manner and should not be shared.
- Be aware of the sensitive nature of the information to which you are privy and recognise the responsibility you have because of having access to this information.
- Familiarise yourself with DSS's confidentiality policy and act accordingly
- Use confidential information only for the purpose(s) for which it was provided and the purpose(s) for which you are authorised to use it.
 - Do not pass personal contact information on to third parties without the express permission of the person in question.
 - Do not share confidential information or pass it on to a third party unless it is absolutely necessary as in the case of a child protection concern (See below for more details).
- The requirement of confidentiality continues to apply after an individual's involvement with DSS ceases.

Data Protection Privacy Policy

DSS is aware that under the Data Protection Acts (1998/2003 and subsequent amendments) it is a data controller and these acts govern all aspects of the treatment of sensitive information. DSS is committed to the following eight principles of Data Protection as summarised by the Office of the Data Commissioner:

- Obtain and process information fairly
- Keep it only for one or more specified and lawful purposes
- Use and disclose it only in ways compatible with the purposes for which it was initially given
- Keep it safe and secure
- Keep it accurate and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes
- Give a copy of his/her personal data to any individual, on request.

SUPPORT and TRAINING for DSS Members

Schedule Of Mandated Persons Under The Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act: DSS's Child Safeguarding Policy and Procedures February 2025

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - a) manager of domestic violence shelter;
 - b) manager of homeless provision or emergency accommodation facility;
 - c) manager of asylum seeker accommodation (direct provision) centre;
 - d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;

- e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
- f) manager of a language school or other recreational school where children reside away from home;
- g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- h) director of any institution where a child is detained by an order of a court;
- i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16. Youth worker who—

- a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the YOUTH THEATRE IRELAND's Child Safeguarding Policy and Procedures August 2020 96 Youth Work Act 2001 or a related discipline, and
- b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- c) Foster carer registered with the Agency.

DEFINITIONS OF ABUSE

This section is taken directly from Children First: National Guidance for the Protection and Welfare of Children (2017)

Types of child abuse Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse.

A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser. The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer. The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised. In this context, 'a child' means a person under the age of 18 years, excluding a person who is or has been married.

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 neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence DSS's Child Safeguarding Policy and

Procedures February 2025 in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional Abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer. Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom) Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in

several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

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

- Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing

Pinching, biting, choking or hair-pulling

- Use of excessive force in handling Deliberate poisoning
- Suffocation Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual Abuse

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

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

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

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - o Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of

an image by computer or other means]

o Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act

o Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse

- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

Age of consent

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse.

Circumstances which may make children more vulnerable to harm:

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 come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or carer factors:

- Drug and 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

- Trafficked/Exploited
- Previous abuse
- Young carer

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
 - o Female genital mutilation
 - o Forced marriage
 - o Honour-based violence
 - o Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns
 - Poor motivation or willingness of parents/guardians to engage:
- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Policy for Handling Suspected Abuse

Recording of information

If neglect or abuse is suspected and acted upon, for example, by informing Tusla, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

The following examples would constitute reasonable grounds for concern:

- Specific indication or disclosure from the child that (s) he was abused.
- An account by a person who may have witnessed abuse taking place.
- Under-age pregnancy or sexually transmitted infection
- Attempted suicide
- Someone else (a parent, friend, co-worker) may disclose that a child has told them they are being abused, or may have witnessed the abuse themselves

Evidence, such as injury or behaviour which is consistent with abuse and unlikely to be caused another way.

- An injury or behaviour that is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, and implausible explanations as to the cause of the injuries/injury.
- Other indicators of abuse such as unusual behaviour by a child.
- Any information which may indicate that a child may be at risk e.g. disclosure of domestic abuse – consideration should be given to the possibility of the presence of children.
- Disclosure by adults of abuse they suffered as children – consideration should be given to the possibility of current risk to any child.

Dealing with disclosures of child abuse

In the event of a child disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally. The following are guidelines to support staff in this regard:

- React calmly;
- Listen carefully and attentively; take the child seriously;
- Reassure the child that they have taken the right action in talking to you;
- Do not promise to keep anything secret;
- Advise that support will be offered but that the information must be passed on;
- Ask questions for clarification only. Do not ask leading questions (i.e. questions which prompt a "yes" or "no" answer);
- Confirm with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser;
- Do not confront the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the child understands the procedures which will follow in accordance with this Policy;
- Pass the information to the DLP, do not attempt to deal with the problem alone;
- Treat the information confidentially (i.e. ensure that the information is only passed on to those who need to know it).
- The effective protection of a child in DSS will depend on the willingness of the members involved with children to share and exchange relevant information. It is therefore critical that there is a

clear understanding of legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concern or assessment of child abuse or neglect will be shared on 'a need to know' basis in the interests of the child with the relevant statutory authorities. No undertakings regarding secrecy can be given. This should be clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements. The provision of information to the DLP and the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

Legal Protection

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, an aggrieved person 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. Mandated persons are protected from civil liability under the Children First Act 2015.

Freedom of Information

Notwithstanding the requirement of all those involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals and are the property of the organisations that keep them. Under the Freedom of Information Act 2014, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner.

Data Protection Acts 1998 - 2018

The Data Protection Acts afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. 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 that 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.

Reporting Procedures in Respect of Child Abuse

Everyone must be alert to the possibility that children with whom they are in contact may be experiencing abuse or have been abused in the past.

The guiding principle in regard to reporting child abuse is that the safety and well-being of the child must take priority.

Concerns that a child has been harmed (or is at risk or being harmed) must be reported to the DLP.

DSS has adopted the Tusla standard reporting form (see Appendix 4 and available from the DLP) for making reports concerning child abuse. The more detail that is included in this form, the easier it will be to assess an allegation, concern or disclosure of abuse. The DLP shall ensure that proper records, dated and signed are retained. All records are highly confidential and are kept securely by the DLP. Details of allegations or actual incidents of abuse must be recorded.

The DLP is required to record information for the Institute records as follows:

- The date and time of disclosure, allegation or actual abuse incident
- An indication of the parties involved (including third parties) including names and addresses
- Details of what action the Institute has taken
- The report from the member of the Institute who received the information or has concerns
- Any suspicions consequent on the information and the factual grounds for such suspicions
- Decisions not to inform or to inform a parent/guardian together with the reason
- The response of the parents/guardians to the reported allegation
- Details (dates, times, people, place) of any subsequent meetings and communications of interested parties
- A decision re referral (or not) to Tusla, or An Garda Síochána, including how, why, when and by whom the decision was taken.

Reports which are made anonymously will be followed up but this may take longer and will make it more difficult for the professionals involved to assess the situation. If a person is unsure about the case, it may be useful to talk over the issue with the DLP or with a Tusla social worker before making an official report.

The DLP shall report any allegation of child abuse (as defined under the Act) by a member of DSS to Tusla or An Garda Síochána as appropriate.

The DLP may contact Tusla for informal advice relating to the allegation, concern or disclosure. After consultation with Tusla officials, the DLP will then take one of two options: Formally report the allegation, concern or disclosure to Tusla; or

Not make a formal report to Tusla but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The member who made the initial report will be informed if a formal report is not being made to Tusla and it is open to him/her to make a formal report themselves directly to the relevant authority if they feel this is necessary.

In cases of an emergency, where it is believed that a child is at serious and imminent risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted.

Where a formal report is made, Tusla will then liaise with An Garda Síochána. It is likely that Tusla will want to speak to the person who first made the report to clarify facts and the circumstances of the report.

The DLP should inform the child's family if a report is likely to be submitted to Tusla, unless doing so is likely to endanger the child. A decision not to inform a parent/guardian shall be briefly recorded together with the reasons for not doing so. If, for any reason, it is not possible to inform the child's family the DLP should discuss with Tusla what action will be taken.

The DLP when making a report to the HSE in good faith is protected by law. The law does not require proof that the abuse in fact happened, only that there are reasonable grounds for concern that the abuse has occurred.

Note: 'The Protection for Persons Reporting Child Abuse Act, 1998' provides for immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers or any member of An Garda Síochána. The Act provides significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal. The Children First Act 2015 provides civil immunity for mandated persons assisting Tusla in an investigation following a mandated disclosure.

https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

Policy on the use of Images and Video Footage

DSS requires from all members who are involved in a production to sign a waiver, regarding the use of physical and digital content, which may be used in promotional materials. In the case of young people under the age of 18, this document must be signed by a parent or guardian.