



**CORK
YOUTH
ORCHESTRA**
ESTABLISHED 1958

Cork Youth Orchestras CLG

Policy Control Document

(To be attached preceding the front cover of all hard and soft copies of the policy)

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March 2022

Contents

Introduction	4
Disclaimer:	4
Role Definitions	5
Responsible Persons.....	5
Designated Liaison Person and Deputy Designated Liaison Person(s).....	5
Mandated Person(s).....	5
Code of Conduct for Staff and Volunteers	6
Youth-centred Approach	6
Welfare and Protection	7
Inappropriate Behaviour	8
Physical Contact.....	8
Communications and Social Media	8
Use of Images and Video	9
Code of Conduct for Children and Young People.....	10
Code of Conduct for Children and Young People	10
Tours, Rehearsals, Residential Rehearsals and Courses.....	11
Use of Technology	11
Personal Property / Insurance	11
Sanctions.....	11
Anti-Bullying Policy.....	12
The Results of Bullying.....	12
Dealing with a Disclosure of Bullying.....	13
Involvement of Primary Carers.....	15
Allegations Against Staff and Volunteers.....	17
Confidentiality Statement	18
Health and Safety.....	18
Overnight Trips / Tours.....	19
Accidents and Incidents.....	19
Complaints and Comments Procedures.....	20
Appendix 1: Definitions of Child Abuse	21
Appendix 2: Definition of 'Reasonable grounds for Concern'	27
Appendix 3: Relevant Legislation	28
Appendix 4: Sources of Information	29
Appendix 5: Child Protection Training	30
Tusla Children First E-Learning Programme.....	30
Appendix 6: Mandated Persons:	31

Introduction

The Cork Youth Orchestras CLG *Child Safeguarding Policy* contains the necessary policies, references and information to complete the requirements of the *Child Safeguarding Statement* and to ensure best practice in relation to our work with children and young people.

In creating this policy document, we use reference materials and resources that are publicly available and work with member organisations and others as appropriate to make sure that the policies are fit for purpose. It should be noted, however, that the policies represent our best efforts in the matter and are not guaranteed to meet all legal requirements.

This policy has been created in accordance with the *Children First Act (2015)* and the *Children First: National Guidance for the Protection and Welfare of Children (2017)*.

Documents consulted:

[Children First National Guidance for Child Protection and Welfare 2017](#)

[Children First Act 2015](#)

[Tusla Children First e-learning programme](#)

[TUSLA Guidance on Developing a Child Safeguarding Statement](#)

Disclaimer:

Like all of our policy documents, it is intended that it can form the basis of policies for use by our member organisations and others that might avail of it. In creating our policies, we use reference materials and resources that are publicly available and work with member organisations and others as appropriate to make sure that the policies are fit for purpose. It should be noted, however, that the policies represent our best efforts in the matter and are not guaranteed to meet all legal requirements.

Role Definitions

Responsible Persons

There are various roles and responsibilities defined by Tusla, the Child and Family Agency, with regard to the safeguarding of young people. Further information can be found in *Children First National Guidance for the Protection and Welfare of Children (2017)* on the Tusla website and from Children First Information and Advice Officers for whom contact details can be found on the Tusla website.

Designated Liaison Person and Deputy Designated Liaison Person(s)

The role of the Designated Liaison Person in CYO is to be a resource for any staff member or volunteer who has a child protection or welfare concern. The Designated Liaison Person should be well-informed about child protection and have received all the necessary training for the role. They will liaise with relevant outside agencies if required and appropriate.

The Designated Liaison Person and any Deputy Designated Liaison Person(s) are specified in the CYO *Child Safeguarding Statement*.

The Board of CYO shall be responsible for ensuring the appointment of the Designated Liaison Person and Deputy Designated Liaison Person(s). The positions shall be regularly reviewed along with the review of the *Child Safeguarding Statement*.

Mandated Person(s)

Under the Children First Act 2015, certain people must by law report to Tusla any incidences of harm that meet or exceed a specified threshold. These people are known as 'mandated persons' under the legislation. Mandated persons are people who have ongoing contact with children and / or families and who, because of their qualifications, training and experience, are in a key position to protect children from harm. Mandated persons include professionals working with children in the education, health, justice, youth and childcare sectors. Professionals who may not work directly with children, such as those who work in adult counselling or psychiatry, are also mandated persons. A list of mandated professionals is given in Appendix 2 of *Children First National Guidance for the Protection and Welfare of Children (2017)*.

Mandated persons have two main legal obligations under the Children First Act 2015:

- To report harm of children, above a defined threshold, to Tusla;
- To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report. "Harm" means, in relation to a young person: a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare; or b) sexual abuse of the child.

The CYO Board of Directors and the Chairperson of the CYO Management Committee shall keep and review a list of mandated persons along with reviews of the Child Safeguarding Statement and shall also evaluate whether or not new staff members or volunteers are mandated. Evaluation will be carried out in relation to the list provided in *Children First National Guidance for the Protection and Welfare of Children (2017)*. The list of mandated persons will be kept along with the company registers. Mandated persons are required to inform the Designated Liaison Person or their Deputies of concerns as other staff would do. Reports by Mandated Persons will be stored securely at registered office. The CYO Mandated persons are listed in Appendix 6:

Code of Conduct for Staff and Volunteers

The Cork Youth Orchestras CLG is committed to working with young people in a safe, respectful and positive manner that allows everyone to get the most from our activities - artistically, socially and personally.

In this document, staff refers to both paid and voluntary staff.

We require that all staff adhere to this code of conduct and the other policies referred to here.

All staff must:

- Behave in a professional manner with courtesy, honesty and with integrity in the course of all CYO activity;
- At all times behave in a way that upholds the values, integrity and good reputation of CYO.

Youth-centred Approach

All CYO staff should work in the following ways with young people engaged in our activities:

- Lead by example;
- Be adequately prepared for all activities;
- Have fun and encourage a positive and trusting atmosphere;
- Create an environment where young people feel comfortable and accepted;
- Use appropriate language (both verbal and physical);
- Treat young people fairly and equitably and as individuals;
- Encourage, support and praise young people;
- Listen to and be open, respectful and accepting of the views of young people;
- Encourage and facilitate feedback and discussion;
- Encourage young people to listen to and respect each other and ensure they follow their own code of conduct;
- Offer constructive criticism when needed whilst not focussing unnecessarily on individuals;
- Maintain awareness around language and comments made and, where there is a possibility that upset may have been caused, address it in a sensitive manner;
- Use age-appropriate teaching aids, materials and working methods;
- Respect young people's personal space and privacy;
- Respect differences of ability, culture, religion, ethnicity, race, socioeconomic status, family background, sexual orientation and gender identity;
- Be aware of special needs that young people may have and be aware of limitations due to medical or other conditions;
- Be proactive in relation to problems that do arise: seek to address issues promptly in a sensitive manner.

Welfare and Protection

To ensure the safety and welfare of young people in our care, all staff & volunteer committee members must:

- Complete Garda Vetting in advance of carrying out 'relevant work';¹
- Have access to the Tusla *Children First E-Learning Programme*
- Read and sign a commitment to abide by this document: *Code of Conduct for Staff and Volunteer*;
- Read and sign a commitment to abide by the *CYO Child Safeguarding Statement*;
- Report any concerns about the wellbeing of young people to the Designated Liaison Person or their Deputy
- Inform the Designated Liaison Person or their Deputy of any actual or suspected bullying;
- Dress and behave appropriately;
- Treat information about young people appropriately and respect their privacy. However, confidentiality cannot be promised:
 - In the case of a child welfare / protection issue: (the young person is to be informed as to who their information will be shared with);
 - If there is a serious concern that there may be a threat to the health, safety or life of any person;
 - In the context of criminal behaviour and disclosures required by legal process;
- Report any health and safety concerns to the appropriate person;
- Medication should not be administered to children / young people by staff without the specific permission of parents / guardians;
- Avoid taking individual sessions with children / young people or being alone in a room with a child or young person. However, in certain circumstances, i.e. in the case of instrumental lessons, it is appropriate for participants to receive one-on-one attention from staff in a room with a closed door. In such cases, the staff must ensure that another staff member is informed and that there is an "open door" policy whereby any adult on staff is entitled to enter at any time;
- Where possible, avoid giving a lift to a child or young person but, where necessary, in exceptional circumstances, ensure the primary carer and the Designated Liaison Person or their Deputy have been informed. If possible, have a third person present: either an adult or participant;
- Not, through action or inaction, leave a young person in a dangerous situation or allow them to enter a dangerous situation.

¹ Relevant work is any work or activities, carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children or vulnerable persons. Details of relevant work or activities are outlined in part 1 and 2 of Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Inappropriate Behaviour

CYO staff and volunteer committee members should not do any of the following:

- Use or allow the use of offensive or sexually suggestive physical and / or verbal language;
- Allow or engage in inappropriate touching of any form;
- Hit or physically chastise young people;
- Socialise inappropriately with students or socialise outside of structured organisational activities;
- Drink alcohol or be under the influence of alcohol while on duty;
- Take illegal drugs or medications that would impair their ability to fulfil their duties;
- Spend excessive amounts of time alone with any young person;
- Single out any young person for unfair favouritism, criticism, ridicule, or unwelcome focus or attention.

Physical Contact

CYO acknowledges that physical contact may be essential in the process of our activities. We require, therefore, that all staff and volunteers:

- Seek consent of young people before making physical contact with them (except in an emergency or dangerous situation);
- Check the young person's level of comfort when engaged in activities that involve physical contact;
- Avoid horseplay or inappropriate touch.

Communications and Social Media

CYO is committed to ensuring that all communications with the young participants in our activities are appropriate and are carried out through appropriate channels.

CYO acknowledges that staff and young people may have appropriate, pre-existing, professional, personal or student-teacher relationships and we do not interfere with these. In the case of under 18s, permission for ongoing contact must be received from parents / guardians.

Keeping in mind those qualifications:

- Staff members should not contact young people for reasons other than those directly connected to activities in which they are participating;
- Staff members should only use official / company phones, communications methods or accounts to communicate with young people on our activities;
- Staff members should not give out their personal phone numbers, email addresses or other contact details to any young person;

- Telephone / SMS contact with participants should only be via official CYO phones or via approved 'Bulk-Text' Service and be restricted to necessary communications;
 - In the case of a safety concern or emergency, personal communications devices may be used to communicate with participants but the Orchestra Manager / Designated Liaison Person should be informed as soon as possible thereafter. Participants' contact details should then be deleted from the personal device.
- Staff members should not provide participants' contact details to other participants or third parties without express permission. In the case of under 18s, this requires the permission of parents / guardians;
 - Please be aware that adding participants to WhatsApp groups and similar services can expose their contact details. Consider using a "broadcast" function instead of such a group.
- Staff should not connect to or interact with participants via personal social media channels;
 - Friend requests should be politely declined explaining to the young person, if the opportunity arises, that this is the policy of CYO.
 - Interaction via official CYO social media accounts is to be encouraged but staff using these accounts must ensure that interaction is respectful and appropriate, including interactions in comments / sharing.
 - No defamatory, insulting or provocative material can be posted on our online platforms.
- Staff are advised to check privacy settings on their personal social media channels and monitor carefully for any changes that social networking sites may make to their settings in relation to member privacy.

Use of Images and Video

The use of images and audio / video footage are of great value to CYO in promoting participation and quality in youth music in Ireland. We aim to provide professional photographers and videographers for performances and events where this is within our budget but, where this isn't feasible, we will have staff designated to take photographs / video.

- Staff who do not have the capturing of images / video as part of their role should not take photographs / video of participants. If there is a good reason, i.e. documenting, then the agreement of managers and / or the Designated Liaison Person or their Deputy should be sought.
- If designated staff use their own devices for capturing images / video, such materials should be deleted from their devices as soon as they have been transferred to an CYO device.
- CYO seeks permission for photography / videography from all participants / their parents or guardians for our rehearsals and events.

Code of Conduct for Children and Young People

CYO is committed to providing a positive and enlightened environment to facilitate the best possible outcomes for all participants. It is our policy to safeguard the welfare of all young people who participate in our activities. The welfare of the young people under our care is paramount.

All participants in our activities will be required to acknowledge and abide by the following Code of Conduct for Young People.

Code of Conduct for Children and Young People

All young people will:

- Treat each other and all members of staff with courtesy, respect and dignity;
- Treat each other equally and as individuals;
- Listen to and respect each other;
- Respect each other's personal space;
- Respect differences of ability, culture, religion, race and sexual orientation;
- Be aware of any special needs people may have;
- Have fun and enjoy a positive, inclusive atmosphere;
- Be aware that bullying will not be accepted or tolerated;
- Not engage in rough play;
- Not use inappropriate language;
- Not purchase or consume alcohol, illegal drugs or smoke while participating in CYO activities, in keeping with civil law;
- Respect the fact that staff and volunteers will not work alone or spend time alone with one young person except in specified circumstances;
- Sign in on arrival
- Make sure a member of staff knows if they cannot attend an activity or will be late for any reason;
- Be aware of the boundaries of the property where activities take place and not leave them without permission from a member of staff;
- Not take medicines or drugs other than prescribed medications and / or over-the-counter remedies with the approval of parents for under-18s.

We ask that all participants treat others as they would wish to be treated themselves.

Tours, Rehearsals, Residential Rehearsals and Courses

All Participants will:

- Act responsibly, pay attention to the safety of themselves and others, show respect for and not interfere with or damage other participants' equipment or property;
- Not engage in any inappropriate behaviour, damage, degrade or otherwise misuse any property, equipment, service or facility owned, visited or hired by CYO;
- Follow instructions regarding group behaviour in residence, at rehearsals at performances and while travelling;
- Abide in full by the dress code as given by course / ensemble managers on all occasions;
- Stay in groups of not less than 3 when walking, shopping or sightseeing and have access to essential contact numbers and a means of contact;
- Follow instructions of their assigned group leader at all times;
- Follow instructions from CYO staff and other supervisors at CYO events.
- Abide by rules and protocols devised by CYO in relation to specific events / activities.

Use of Technology

- Mobile phones will be switched off during rehearsals and performances.
- The sharing of images on any social media or networking site is strictly forbidden without the express permission from all parties involved.
- Cameras will not be used to take compromising, inappropriate or explicit pictures or recordings of any other participant or adult. Sharing of any such images on any social media or networking site is strictly forbidden.

Personal Property / Insurance

- Participants are responsible for their own property at all times.
- Participants / Guardians of participants under 18 years of age must ensure that instruments are adequately insured for all CYO activities (including out of the country) and under all circumstances.
- Participants must clearly label all their property.

Sanctions

- Any participant found to be in breach of CYO rules will be subject to *sanction* at the discretion of CYO.
- Parents / guardians will be contacted in the event of serious misconduct of participants under 18.
- A participant found to be uncooperative or in serious breach of rules will be sent home and may not be permitted to return to any CYO course or event.
- In event of participants being sent home parents / guardians or the participants themselves, where over-18, will be responsible for arranging travel and any additional expenses incurred by CYO including those relating to adult supervision while travelling.

Anti-Bullying Policy

Bullying has no place in CYO. Staff and volunteer committee members should promote a positive anti-bullying ethos during activities and raise awareness amongst other staff, volunteers and participants that bullying should not be tolerated. By emphasising the CYO's codes of conduct, staff and volunteers should create an environment in which all people are valued as individuals with rights and are encouraged and affirmed.

What is Bullying?

Bullying can be defined as repeated aggression be it verbal, psychological or physical conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating. It includes behaviours such as teasing, taunting, threatening, hitting and extortion by one or more people against a target or targets. It can also include ignoring an individual and purposely making them feel marginalised and excluded from the group.

Anyone can be affected by bullying, be they staff, management, volunteers, or young people. We recognise that any of these individuals can also be a perpetrator of bullying.

The Results of Bullying

The effects of bullying can last for some time and can significantly affect an individual's wellbeing, causing poor social development and depression.

The outcomes of bullying can include:

- Physical injury, headaches, stomach aches;
- Stress symptoms such as sleep or eating disorders, anxiety and panic attacks;
- Loss of confidence and self-esteem;
- Reluctance to take part in activities;
- Lowered academic achievement;
- Exclusion and isolation;
- Consideration of suicide.

Dealing with a Disclosure of Bullying

It is important for staff and volunteer committee members to take a proactive role in investigating whether bullying is occurring because many young people will not tell. However, a young person may confide in anyone so everyone should be aware of how to handle such a confidence.

What can you do if a child / young person tells you they are being bullied?

- 1) Listen calmly and accept what is said. If possible, there should be two staff/volunteer committee members present (but this should be determined by the needs of the young person). If not leave the door open so passers-by can see the staff/ volunteer committee member but not the young person making the disclosure.
- 2) Take notes following the conversation and keep these on file as this forms the basis of the bullying report. Notes should include nature of incident, date, time, location, names of those involved, witnesses, relevant history and staff member's response.
- 3) Reassure the young person that help is available, action will be taken, that they were right to tell, it is not his or her fault and it could happen to anyone.
- 4) Negotiate confidentiality and be clear you'll only tell people who need to know.
- 5) Ensure the young person's safety. Safety is paramount and this can be maintained through appropriate supervision. Liaise with the young person's guardian in relation to a solution and possible actions.
- 6) Tell the young person that you'll keep them informed as to how you intend to proceed.
- 7) Make an intervention and ensure that all your actions will be guided by the needs of the young person. The following is a list of possible actions:
 - a) Inform the orchestra manager or DLP of your concerns;
 - b) Decide who to consult with: guardians of the alleged bully and alleged victim;
 - c) Decide who to interview: witnesses, alleged bullies;
 - d) Find out: what, where, when, who, how, why? Act in a non-confrontational manner.
- 8) Resolve the problem: Make bullying the responsibility of all young people in the group. Alternatively, approach the victim and the bully (explain why the bully's behaviour is wrong, how it makes the victim feel and request an apology); parents / legal guardians and bully (if sanctions linked to the behaviour are to be employed, request the parents / legal guardians to reinforce these).
- 9) Refer on in difficult cases: if it remains unresolved, a report should be fully written up and referred on to the Board of Directors. The CYO Incident Form can be used for this. The report should include any of the notes taken at the time.
- 10) Make a record of facts rather than opinions. Include details from the bullying report (i.e. nature of incident, date, time, location, names of those involved, witnesses, relevant history and staff member's response), details recounted by others involved, any agreements made, an account of action taken and suggestions for follow up and monitoring. Use the official CYO Incident Report Form for the bullying report. Reassure the young people involved that this report will be kept in confidence and its contents will only be revealed to those who need to know. This form must be returned to the CYO Registered office for safe-keeping and to be used in any subsequent actions or follow-up to the incident.

Recruitment and Selection of Staff and Volunteers

CYO will ensure that staff and volunteers are carefully selected, trained and supervised to provide a safe environment for all children and young people.

- Roles and responsibilities for every job (paid and voluntary) will be clearly defined.
- CYO will endeavour to select the most suitably qualified personnel.
- All staff and volunteers carrying out 'relevant work' shall be Garda Vetted prior to commencement of work.
- All staff will be required to declare prior abuse convictions and state if they have been the subject of any investigation or enquiry into abuse or other inappropriate behaviour.
- No person who would be deemed to constitute a risk will be permitted to work for CYO. Risk factors include:
 - any child-related convictions or convictions involving violent offences;
 - a refusal to sign a declaration form when requested;
 - a refusal to provide details of two referees when requested;
 - a refusal to submit to the Garda Vetting process when requested;
 - insufficient documentary evidence of identification when requested;
 - concealment of information relating to one's suitability for working with children.

Involvement of Primary Carers

CYO is committed to being open with all primary carers.

CYO undertakes to:

- Advise primary carers of our *Child Safeguarding Statement* and *Child Safeguarding Policy*;
- Make copies of our policies available via our website
- Keep primary carers informed of any material issues that concern their children (with the exception of cases where this is not in the best interests of the young person);
- Inform primary carers of all activities and potential activities, as appropriate;
- Issue contact / consent forms for our activities, as appropriate;
- Encourage and facilitate the involvement of parents, carers and responsible adults, where appropriate.

Reporting Procedures for Child Protection Concerns

It is the responsibility of the Designated Liaison Person and Deputy Designated Liaison Person(s) to support and advise staff, volunteers, children and young people taking part in CYO activities about policy and procedures in relation to child protection and to ensure procedures are followed. It is also their responsibility to liaise with Tusla or Gardaí where appropriate.

CYO has a confidential incident file which is stored at the CYO office. Confidential Incident Report forms and Tusla Standard Reporting Forms will be available on all offsite activities.

Dealing with a Disclosure

In line with the Tusla Universal eLearning, CYO advises its staff and volunteers to deal as follows with a disclosure from a child or young person:

- Stay calm, listen and allow them enough time to say what they need to say;
- Don't prompt or use leading questions;
- Reassure them but do not promise to keep anything secret;
- Don't make them repeat anything unnecessarily;
- Explain in an age-appropriate way what will happen next.

Make notes about the exchange as soon as is practically possible. These should include as much factual information as possible as it may assist with the completion of a report form at a later date should that be necessary. These notes should contain the young person's name and a detailed account of your grounds for concern.

Note: a definition for reasonable grounds for concern is available in Appendix 2.

Reporting Concerns

All incidents should be reported to the Designated Liaison Person or, where unavailable, to a Deputy Designated Liaison Person. The matter will then be recorded on the Confidential Report Form. This Confidential Report Form asks for information on concerns, suspicions, worrying observations, behavioural changes, and actions and outcomes, and it requires only factual information to be recorded. Information will be shared on a strictly 'need to know' basis. Staff and volunteers should be aware of what constitutes 'reasonable grounds for concern' when reporting incidents.

The following excerpt from the Children First: National Guidelines for the Protection and Welfare of Children shows what would constitute reasonable grounds for concern:

Evidence, for example, of an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way;

- Any concern about possible sexual abuse;
- Consistent signs that a child is suffering from emotional or physical neglect;
- A child saying or indicating by other means that he or she has been abused;
- Admission or indication by an adult or a child of an alleged abuse they committed;
- An account from a person who saw the child being abused.

If staff are in doubt, they should contact the Designated Liaison Person or Deputy Designated Person for advice and if neither are available, they should contact the Duty Social Worker at Tusla for the area where the young person is from.

Contact details for duty social workers are available at www.tusla.ie.

If there are reasonable grounds for concern, the Designated Liaison Person or Deputy Designated Liaison Person will then do the following:

- Act without delay;
- Discuss the incident with the parent, carer or adult responsible for the child / young person or appoint an appropriate person to do this, unless this would put the child at further risk;
- Discuss the incident informally with the Tusla Duty Social Worker before making a report, if appropriate;

Should the Designated Liaison Person or Deputy Designated Liaison Person then decide that a report is necessary, they will complete the standard report form available from Tusla without delay. Reports to the Duty Social Worker can be made verbally and then followed by the standard form. A formal report should only be made where there are 'reasonable grounds for concern'. This is defined in appendix 2.

The Designated or Deputy Designated Liaison Person is committed to:

- Keeping all information confidential and sharing it only on a need to know basis;
- Keeping note of actions and outcomes;
- Keeping a record of all incidents and reports in the Confidential Incident File at the CYO office;
- Keeping the person who reports the incident informed.

If the Designated Liaison Person or Deputy Designated Liaison Person is not available, the Duty Social Worker or Tusla can be contacted directly, or where they are unavailable, the Gardaí. The immediate safety of the child / young person is of paramount importance.

Where a report needs to be made, the Designated or Deputy Designated Liaison Person will contact the Tusla duty social worker in the local area where the young person is from.

Should the Gardaí need to be contacted CYO will contact the Garda station local to where the activity is taking place. CYO will bring details of the local Garda station to all offsite activities.

Retrospective Disclosures by Adults

Parents and staff who are working with children and young people may disclose abuse which took place during their childhood. A disclosure of abuse by an adult which took place during their childhood must be noted or recorded. In these cases, it is essential that consideration is given to the current risk to any child.

Investigation of disclosures by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse. 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.

If any risk is deemed to exist to any child who may be in contact with the alleged abuser, a report of the allegation should be made to Tusla without delay.

Allegations Against Staff and Volunteers

In the instance of an allegation, CYO's first priority is the safety of the child. CYO also has a responsibility to the employee/volunteer.

Two separate procedures must be followed:

- In respect of the child or young person, either the Designated Liaison Person or the Deputy Designated Liaison Person will deal with issues related to the child or young person. In the event that either of these two Designated Liaison Persons has had allegations made against them, the other Designated Liaison Person, who has not had allegations made against them, will deal with the issues related to the child or young person;
- In respect of the person against whom the allegation is made, the CYO Chairperson will deal with issues related to the staff member;
- The reporting procedures laid out in this document should be followed, and the primary carers and the child or young person should be kept informed of actions planned and taken;
- The staff member will be informed as soon as possible of the nature of the allegation and will be given the opportunity to respond;
- Any action following an allegation of abuse against an employee should be taken in consultation with Tusla and Gardai;
- After consultation, the CYO Chairperson will advise the person accused and take measures appropriate to the level of risk while not unreasonably penalising the worker - unless necessary to protect the child or young person. Measures could include increased supervision, assignment to different duties, or suspension. Should an allegation take place during a residential activity and there are reasonable grounds for concern, the accused person will stop work immediately on that activity and other activities involving direct contact with young people.

Confidentiality Statement

CYO is committed to ensuring all people's rights to confidentiality. All staff and volunteer committee members should respect the privacy of other people and not engage in harmful gossip or disclosure.

In relation to child protection and welfare:

- We will treat information about young people appropriately and respect their privacy. However, confidentiality cannot be promised:
 - In the case of a child welfare / protection issue: however, the young person is to be informed as to who their information will be shared with;
 - If there is a serious concern that there may be a threat to the health, safety or life of any person;
 - In the context of criminal behaviour and disclosures required by legal process.
- Information will only be forwarded on a 'need to know' basis in order to safeguard a child or young person;
- Primary carers and young people have a right to know if personal information is being shared and / or a report is being made to Tusla unless doing so could put the child or young person at further risk;
- Procedures will be put in place for the recording and storing of information in line with our confidentiality and data protection policies;
- Any reports completed during activities will be kept safely by the Designated or Deputy Designated Liaison Person until they can be added to the file.

Health and Safety

In safeguarding the physical wellbeing of young people that participate in our activities:

- CYO uses venues for its activities that are fit for purpose and well maintained;
- CYO staff follow the safety instructions and fire regulations provided by venues it uses;
- If staff / volunteers identify a hazard in a venue, they should inform the appropriate person in the venue immediately;
- Fire drills are organised in cooperation with the venues as appropriate;
- All staff and participants will be made aware of fire exits and necessary procedures;
- CYO takes a register of all who are present at rehearsals and courses;
- CYO ensures appropriate levels of supervision are provided for all activities;
- CYO staff / volunteers avoid leaving young people unattended;
- Checks are made to ensure equipment and materials used are safe and fit for purpose;
- Activities are age appropriate and developed with the specific abilities and needs of the participants in mind;
- It is the responsibility of Course Managers to familiarise themselves with necessary health and safety policies and procedures and observe them in their work;
- Risk assessments are conducted as part of CYO's programme planning with the following procedure:
 - 1) Identify Risk(s);
 - 2) Identify people who might be harmed and how;
 - 3) Potential Outcomes;
 - 4) Likelihood of these Outcomes;
 - 5) Potential Severity of these Outcomes;

- 6) Action Required to Reduce Risk;
- 7) Details of when and how the Action will be taken.

Overnight Trips / Tours

CYO sometimes organises trips / tours that involve overnight stays for young people. CYO devise & publish procedures for these trips, including details about policies & protocols. Parents/Guardians and CYO members are expected to abide by these policies and procedures to ensure the health, safety and welfare of all members and volunteers.

- Clear information about the trip/tour, & all relevant procedures is provided to primary carers;
- Parental consent and contact details are requested for all members aged under 18;
- Dietary and medical requirements are requested for all participants;
 - Parents and / or young people over 18 are responsible for ensuring that they notify CYO of relevant medical conditions at application or registration of any course.
- If members are involved in non-musical activities that might involve a higher level or risk, specific permission will be sought for these activities, as appropriate;
- If there is an issue in relation to the accommodation or venue(s), CYO Manager should inform the accommodation or venue manager;
- CYO staff should respect young people's privacy and any information about young people should be dealt with in line with CYO's Confidentiality Statement – see above;
- Supervisory rounds while young people are in bedrooms should be done in pairs, being cognisant of gender.
- Staff should always knock before entering a young person's bedroom.

Accidents and Incidents

CYO is committed to dealing well with any accidents or incidents that do arise and to appropriate recording in relation to both accidents and incidents.

Accident - means an unplanned event resulting in injury or death.

Incident - an unplanned event that has the potential to cause consequences for one or more parties and may or may not result in physical injury.

In relation to accidents and incidents:

- CYO is committed to ensuring that at least one member of staff has up-to-date First Aid training;
- A well-stocked First Aid Kit is available at all activities and events;
- CYO managers are provided with details of local doctors and hospitals and other local emergency services such as the Gardaí;
- CYO Managers are provided with emergency contact details for parents;

- CYO Managers are provided with details of any dietary / medical conditions and requirements that participants may have;
- If an accident or incident occurs:
 - The welfare of participants and of staff and others is paramount and immediate action should be taken to make everyone safe;
 - If necessary, inform the designated First Aid staff member(s);
 - If necessary, immediately call Emergency Services;
 - Primary carers should be contacted as soon as is reasonable if there has been a serious incident or accident;
 - Necessary medical information in relation to any injured party will be provided to medical personnel;
 - If an injured party is a young person and needs to attend a hospital or doctor, two members of staff should accompany them to hospital or other emergency facility if the primary carers are not available;
 - Staff may request parents to attend the venue or hospital if they feel this is in the best interests of the young person;
 - A report is made using the CYO Confidential Incident Report form and forwarded to the Designated Liaison Person. This is then stored securely in the offices of CYO.

Complaints and Comments Procedures

Any complaints in relation to Cork Youth Orchestras CLG should be made in writing to the Board of Directors. Full details of our complaints procedure are outlined in a separate document.

Appendix 1: Definitions 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.

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 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 their 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:
 - 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];
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act;
- 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.

Underage Sex That Is Not Sexual Abuse

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 and reporting to Tusla is not necessary if all of the following criteria are met:

- The young person(s) concerned are between 15 and 17 years old;
- The age difference between them is not more than 24 months;
- There is no material difference in their maturity or capacity to consent;
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person;
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla.

Circumstances Which May Make Children More Vulnerable to Harm

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 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:
- Female genital mutilation;

- Forced marriage;
- Honour-based violence;
- 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.

Appendix 2: Definition of ‘Reasonable grounds for Concern’

The following excerpt from the *Children First: National Guidelines for the Protection and Welfare of Children* shows what would constitute reasonable grounds for concern:

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

If staff are in doubt, they should contact the Designated Liaison Person or Deputy Designated Person for advice and if neither are available, they should contact the Duty Social Worker at Tusla for the area where the young person is from. Contact details for duty social workers are available at www.tusla.ie.

Appendix 3: Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection that are listed here. For further information, please refer to Chapter 2 of the *Children First: National Guidance for the Protection and Welfare of Children (2017)*.

- Child Care Act 1991
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017

Appendix 4: Sources of Information

All of the following documents are available from the publishers' websites as .pdf documents and are also currently available from the *Information -> Child Protection and Welfare* section of the CYO website on www.corkyouthorchestra.ie

Department of Health (and Children): *Our Duty to Care – The principles of good practice for the protection of children and young people.*

Department of Health (and Children): *Children First – National Guidelines for the Protection and Welfare of Children.*

The Arts Council: *Guidelines for the Protection and Welfare of Children and Young People in the Arts Sector.*

The Arts Council: *Child Protection Policy and Procedures Sample Information available for parents and for young people.*

National Youth Council of Ireland: *Protecting our Children and Young People.*

Youth Affairs Section of the Department of Education (and Science): *Code of Good Practice | Child Protection for the Youth Work Sector.*

The Arts Council: *Guidelines for taking and using images of children and young people in the arts sector.*

The Arts Council: *Solo Practitioner code of practice for working with children and young people.*

Appendix 5: Child Protection Training

There are a variety of ways to avail of training in Child Protection. There is no programme exclusive to youth music or youth arts; therefore, the options listed below are provided.

Tusla has introduced a Universal eLearning as a basic guide to recognising and reporting suspected abuse and CYO has recommended that all committee members and staff complete this course.

Tusla Children First E-Learning Programme

Tusla has worked with the Department of Children and Youth Affairs and the Health Service Executive to develop a universal e-learning training programme called *Introduction to Children First*. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise.

The programme is based on *Children First: National Guidance for the Protection and Welfare of Children* and the *Children First Act 2015*. The programme takes approximately 1.5 hours to complete but it can be done in a number of sittings. It covers topics including:

- Recognising and reporting child abuse;
- The role of mandated persons;
- The responsibilities of organisations working with children to safeguard children;
- The role of designated liaison persons.
-

The programme can be accessed on the Tusla website at <https://www.tusla.ie/> or by entering 'Children First E-Learning Programme' in a search engine

Appendix 6: Mandated Persons:

List of Mandated Persons currently in CYO are:

- Niamh Comber
- Miriam de Brun
- Nicola Greally
- Terry McCarthy

List updated March 2022

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CYO Management Committee: Niamh Comber, John Cuddigan, Miriam de Brun, John Finn, Rose Fitzgerald, Nicola Greally, John Lambkin, Rosarie Long, Terry McCarthy, Tomás McCarthy, Denis Mattimoe, Emma Neal, Diarmuid Ó Cathasaigh, Pat Sheehan, Pavel Switaj

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