



***Child and Vulnerable Adult
Safeguarding Policy for the
Irish Memory Orchestra***

A declaration of guiding principles
and safeguarding procedures

November 2021

Table of Contents

3. Introduction
4. Child Safeguarding Commitment
5. Assessment of Risk
9. Key roles in safeguarding at : The Irish Memory Orchestra
11. Types of abuse and how they may be recognised
15. Circumstances which may make children more vulnerable to harm
18. Procedures and Reporting Concerns
21. Working safely with children and vulnerable people for staff and workers
27. Recruitment and Selection
30. Safe Supervision and Management
32. Complaints Policy and Procedure
34. Incidents / Accidents Policy and Procedure
36. Appendix 1: Definitions
37. Appendix 2: Declaration Form
38. Appendix 3: Mandated persons' responsibility at : The Irish Memory Orchestra

Introduction

About The Irish Memory Orchestra

The Irish Memory Orchestra is a cross-genre orchestra which devises unique cultural programmes, including inspiring apprenticeship schemes for young musicians.

The Irish Memory Orchestra has a busy education programme, working across Ireland and abroad mentoring musicians of all ages.

Our service is delivered at various venues and online on a project by project basis. We do not have a specific centre of activity.

We work with many partner organisations to extend our reach. Our off-site partners include venues, schools and accommodation providers.

Purpose of this Document

The purpose of this document is to outline the operational policy and to establish clear procedures for dealing with all aspects in relation to Child and Vulnerable Adult Protection at The Irish Memory Orchestra.

Commitment to Review

We commit to reviewing our policy and practice at two year intervals and or sooner if necessary due to service issues or changes in legislation or national policy.

A new Child and Vulnerable Adult Protection Policy was introduced in July 2020. This document replaces all existing guidelines and procedures and is scheduled for review in November 2022. It will be reviewed during this time as necessary to reflect any changes in best practice and substantial organisational changes.

This document is in compliance with Children First 2015 and other relevant legal or national guidance, including the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 and Children First: National Guidance for the Protection and Welfare of Children (2017)

Our Child and Vulnerable Adult Safeguarding Commitment

The Irish Memory Orchestra believes that the arts are critical to a healthy and flourishing society. We respect the right to cultural access for everyone in all our diversity. We believe meaningful arts experiences are central to child development and to learning at all ages. Our priority is to ensure the welfare and safety of every child and vulnerable adult who attends our service.

We respect the rights of the child and promote a child-centred ethos:

- listen to children
- value and respect children as individuals
- involve children in decision making where possible and as appropriate
- encourage children

We commit to practice, which protects children, young people and vulnerable adults from harm while they are with the staff and workers in this organisation.

Staff and workers in the The Irish Memory Orchestra accept and recognise our responsibility to develop awareness of the issues which cause children and vulnerable adults harm.

Our guiding principles apply to everyone in our organisation; all staff, artists, volunteers, board members and students on work placement within our organisation. All board members, staff, artists, volunteers and work experience students must sign up to and abide by these guiding principles and our child safeguarding procedures.

We in The Irish Memory Orchestra commit to implement and review our organisation's guiding principles and child and vulnerable adult safeguarding procedures every two years.

Partnership and inter-agency working

The Irish Memory Orchestra works with many partner organisations both on and off site. When working with partners offsite or in an inter-group situation, The Irish Memory Orchestra will make clear arrangements to ensure suitable guidelines and procedures are in place.

Partners will share their declaration of guiding principles and child safeguarding procedures and agree at the outset of the engagement, which document will be followed or if a new policy needs to be developed and implemented.

The location where the work takes place, will likely be the primary indicator as to which partner policy is in place.

Assessment of Risk

The Irish Memory Orchestra provides the following services to children, young people and vulnerable adults:

- Occasional Apprentice Schemes aimed at training young musicians in orchestral performances
- Occasional summer schools where orchestra members teach young musicians.
- Programmes where vulnerable adults participate include: The Vision Symphony, working with blind and vision-impaired musicians.
- The IMO Apprentice Scheme
- A core team of professional artist facilitators with several guest facilitators work in each project

Activity Breakdown:

- Facilitated sessions – in person and online
- One-to-one teaching – in person and online
- Use of toilet/changing/shower areas in venue
- Performance events
- Use of off-site facilities for activities
- Care of children with special educational needs,
- Care of any vulnerable adult participants
- Management of challenging behaviour amongst participants, including appropriate use of restraint where required
- Administration of Medicine, and of First Aid
- Prevention and dealing with bullying amongst participants
- Training of The Irish Memory Orchestra staff and workers in child protection matters
- Use of parent volunteers to support activities
- Care of participants with specific vulnerabilities/ needs such as vision impairment/blindness, ethnic minorities/migrants; members of the Traveller community; Lesbian, gay, bisexual or transgender (LGBT) children; perceived to be LGBT and minority religious faiths/communities; Children in care
- Recruitment of staff and workers including –artist facilitators/Guest Speakers/volunteers/Parents/Visitors/contractors present in school during school hours and present during after school activities

- Use of Information and Communication Technology by participants in the venue
- Application of sanctions under The Irish Memory Orchestra Code of Behaviour
- Students participating in work experience in the venue
- Student undertaking training or work placement off site
- Use of video/photography/other media to document the programme
- Use of premises by other organisation
- Website and social media information service

The Irish Memory Orchestra has identified the following risk of harm in respect of its activities:

Risk of:

- harm not being recognised by The Irish Memory Orchestra staff and workers
- harm not being reported properly and promptly by The Irish Memory Orchestra staff and workers
- child being harmed in the venue or online by a The Irish Memory Orchestra staff and workers
- being harmed in the venue or online by another child
- child being harmed in the venue by volunteer or visitor
- child being harmed by a member of IMO staff and workers, a member of staff of another organisation or other person while child participating in IMO activities off site
- harm due to bullying of child
- harm due to inadequate supervision of children during venue based activities
- harm due to inadequate supervision of children while attending off site activities
- harm due to inappropriate relationship/communications between child and another child or adult
- harm due to children inappropriately accessing social media, phones and other devices while at The Irish Memory Orchestra
- harm to children who have particular vulnerabilities
- harm to a child using a lift unsupervised
- harm to child while a child is using toilet facilities
- harm due to inadequate code of behaviour
- harm in one-to-one teaching, mentoring or coaching situation

- harm caused by member of The Irish Memory Orchestra staff and workers communicating with young service users in an inappropriate manner via social media, texting, digital device or other manner
- harm caused by The Irish Memory Orchestra staff and workers accessing/circulating inappropriate material via social media, texting, digital device or other manner
- harm to young people on work experience
- harm to children at drop off and collection

The Irish Memory Orchestra will endeavour to safeguard children by:

- Adopting child protection guidelines through a code of behaviour for staff, facilitators, artists and volunteers.
- Ensuring Staff and workers are informed and have relevant training in relation to our declaration of guiding principles and child safeguarding procedures
- Ensuring that the groups and organisations we work closely with adopt guidelines for safeguarding children and vulnerable adults.
- Sharing information about child protection and good practice with children, parents, staff and workers.
- Sharing information about concerns with agencies that need to know and involving parents and children appropriately.
- Following careful procedures for recruitment and selection of staff, facilitators and volunteers.
- Providing effective management for staff, facilitators and volunteers through supervision, practical support and training.
- Ensuring that visiting artists who are working with children are at all times supported by a Project Assistant or a member of staff.
- has in place clear procedures in respect of outings and high risk activities
- Ensuring that adult carer contact mobile is requested at point of booking
- Ensuring that important safety information is requested from the adult carer at point of booking and facilitators read and check this.
- ensure age and development appropriate supervision of children during activities
- Adopting guidelines for good practice including
 - the Arts Council Solo Practitioner code of practice for working with children and young people
 - Council Guidelines for taking and using images of children and young people in the arts sector
 - Participatory Arts Practice in Healthcare Contexts Guidelines for Good Practice
- Maintaining relevant policies including in addition to this document
 - Anti-Bullying Policy
 - Health & Safety Statement
 - Complaints Procedure

o codes of conduct for its staff and workers

- Adhering to the requirements of the Garda vetting legislation
- Maintaining records of all staff and workers regards Garda vetting and training
- Sharing information about concerns with agencies that need to know and involving parents and children appropriately.
- Ensuring that important safety information is requested from the adult carer at point of booking and facilitators read and check this.
- The Irish Memory Orchestra has in place procedures for the administration of First Aid
- IMO has in place a policy and clear procedures for one-to-one learning activities
- The Irish Memory Orchestra has in place a policy and procedures in respect of work experience

Key roles in safeguarding at: The Irish Memory Orchestra

In this document the term 'staff and workers', unless otherwise indicated, includes both core The Irish Memory Orchestra employees and those whose services are engaged on a short-term basis such as artists, solo practitioners, facilitators and third party contractors.

Designated Liaison Person:

Apprentice Scheme Liaison Officer: The Irish Memory Orchestra
Currently : Uta Bean Uí Almhain
Email: apprentices@irishmemoryorchestra.com Tel: 087 621 6633

Responsibilities:

The designated liaison person is responsible for ensuring that reporting procedures within our organisation are followed, so that child welfare and protection concerns are referred promptly to Tusla

- a source of advice and information on guiding principles and child safeguarding procedures
- co-ordinating action within the The Irish Memory Orchestra
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their organisation, using the Child Protection and Welfare Report Form. Consult informally with a Tusla Duty Social Worker if necessary. (see reporting procedures)
- Receive child protection and welfare concerns from workers and volunteers and consider if reasonable grounds for reporting to Tusla exist.
- Ensure that a secure system is in place to manage confidential records.
- Act as a liaison with Tusla and An Garda Síochána, as appropriate and where requested, jointly report with a mandated person.
- managing the safeguarding recruitment /Garda vetting procedure
- review the safeguarding guidelines and procedures bi-annually or if legislation changes
- maintain a list of any mandated persons in their organisation.

Deputy Designated Liaison Person:

Member of Management, with experience in working with children /vulnerable persons and/ or in Education.

Currently: Dr. Dave Flynn, Streamstown, Clifden, Galway
Tel: 087 414 9195 Email: director@irishmemoryorchestra.com

Responsibilities:

- In the event of Designated Liaison Person not being available the Deputy DLP may act in their place and take on the responsibilities above.
- Communicate to the Board their responsibilities in relation to the Safeguarding Guidelines and Procedures

Both the Designated Liaison Person and the Deputy Designated Liaison Person are contactable out of hours

Relevant Person

Defined in the Children First Act 2015 as a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's Child Safeguarding Statement. At The Irish Memory Orchestra this is the same person as the Designated Liaison Person

Resource links:

Children First Act 2015

Children First National Guidance for Child Protection and Welfare 2017

Tusla, 'A Guide for the Reporting of Child Protection and Welfare Concerns'

Types of abuse and how they may be recognised

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 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:
 - 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.

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. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of this Guidance.

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

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 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

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

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 and through online platforms. 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.

Anti- Bullying Code

We at The Irish Memory Orchestra are committed to providing a place and a programme where all :

- can feel secure
- where bullying is not acceptable
- where name calling is not tolerated
- where no one suffers abuse
- where no one is victimised
- where each person is listened to and supported
- where each person is responsible for ensuring that all are treated equally
- where solutions to problems are the concern of all

Steps to counter bullying

- Ensure an age appropriate group contract is in place or clear boundaries established for younger children, including codes of behaviour online
- use staff and participants as a positive resource to counter bullying and to change the culture of the group

- encourage participants to negotiate, co-operate and help others, particularly new or different participants
- Use games, drama, drawing and role play to show ways of dealing with issues within the group if appropriate
- never tell a person to ignore bullying, they can't
- never encourage a person to take the law into their own hands and beat the bully at their own game

Procedures

These procedures apply to bullying of young people in a group workshop situation

1. Review the group contract
2. Offer victims immediate support. Avoid leading questions and actively listening. Notify them that you will follow supportive procedures.
3. make a written report stating the facts in the log book
4. take the issue directly to a supervisor or line manager who will determine a positive line of action which may involve the following:
 - meeting with another member of staff, with those who initiated the bullying, those who joined in and some bystanders, keeping the victim anonymous.
 - Explain the problem, distress and rejection suffered by the victim, to the perpetrator and listen carefully to the response.
 - Share the responsibility to change amongst the group.
 - Ask the group for their ideas and encourage an alternative dynamic.
 - Give the group responsibility to sort the problem within a timeframe
5. Continue with ongoing monitoring enforcing the idea of a team and ensuring that it is known that bullying will not be tolerated.

Discipline Guidelines

If a child behaviour is affecting the group negatively or the safety of the group or individual:

- A first warning will be given and a reminder of the group contract
- A second warning will be given if the behaviour does not change
- If a third warning needs to be given the child will be asked to sit out of the activity for a number of minutes according to their age
- At this point the parent will be informed about the action taken and the reason why.
- If the negative behaviour is re-occurring a child will be asked to sit in the office until they are ready to join the group or return home to their parent. This is only possible if two members of staff are present in accordance with the child protection policy

Procedures and Reporting Concerns

The Irish Memory Orchestra designates the DPL responsible for keeping a confidential record book to make notes of any incidents or accidents.

Details should include what was said, when, where it occurred, who was present and what, if any action was taken as a result. This record will be signed and kept confidential, in a secure place with the DPL, for safekeeping and access. It is important that facts, not opinions are recorded as soon as possible after the incident. The book will also contain emergency numbers and relevant contacts.

Guidance on reasonable grounds for concern

- 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
- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect

General Reporting Procedures

- A record should be made by the DPL
- Consultation with the Deputy DPL may be required
- The Director would be notified of the report
- If necessary a report would be made by telephone, meeting or writing to Tulsa and An Garda Síochána by the DPL.
- At this point the Director would notify the Board of Management, Chairperson and Deputy DPL board member.
- Liaisons would continue with Tulsa and An Garda Síochána.
- The Irish Memory Orchestra Solicitor would be contacted if relevant.

In the event of a member of staff, visiting artists, facilitator or volunteer **observing** signs of abuse the following procedure will apply:

1. the observer will report to the DPL
2. a record will be made of any incidents or accidents
3. a report will be made if appropriate following the General Reporting Procedure

In the event of a **child making a disclosure** to a member of staff, visiting artist, facilitator or volunteer the following procedure will apply:

1. the observer will report to the DPL
2. a record will be made of any incidents or accidents
3. a report will be made if appropriate following the General Reporting Procedure

If a child discloses it is important to:

- listen and not question
- offer reassurance not promises
- take the child seriously and don't delay in acting
- not to over react, remain calm
- explain what you have to do and whom you have to tell

In the event of a **complaint or allegation** being made against a member of staff, visiting artists, facilitator or volunteer the following procedure will apply:

Both the alleged abuser and the person who is thought to have been abused have the right to confidentiality.

- The first priority is to ensure that no child is exposed to unnecessary risk. Action will be taken proportionate to the level of risk. Appropriate changes should be made to the programme to protect and not penalise the worker financially or otherwise, unless necessary to protect the child.
- a written report will be requested from the complainant by the DPL
- the Designated Liaison Person will inform The Irish Memory Orchestra Director of the allegation and make a full detailed report
- the Director is responsible for informing the worker of the allegation and the nature of the allegation
- the employee has a right to respond. This response should be recorded and passed on in the case of a report being made to the Tulsa and Garda Siochána
- the Director is responsible for providing support for the member of staff to avoid victimisation and to give advice on procedure
- the IMO's solicitor will be contacted and a close liaison with both the Tulsa and Garda Siochána will be continued
- appropriate disciplinary procedure would follow if necessary

Complaints procedure for **parents**:

- referred to the DPL
- a written complaint would be requested or verbal complaint can be transcribed in the event of the complainant having literacy limitation.
- a record of the complaint would be made

Procedures for dealing with **retrospective** disclosures and allegations:

Retrospective disclosure by adults of alleged abuse in the past should be reported to HSE and or An Garda Síochána . A Retrospective Abuse Report Form can be downloaded from the Tusla website - <https://www.tusla.ie/children-first/publications-and-forms/> . If any adult within the organisation makes a retrospective disclosure, the DLP can support the adult to complete the form and direct them to relevant support services where appropriate.

In cases of retrospective abuse, a report will be made by The Irish Memory Orchestra where there is a current or potential future risk to children from the person against whom there is an allegation. In this situation, the DLP should follow standard reporting procedures as outlined above.

Confidentiality

Where child protection and welfare concerns arise, information must be shared on a 'need to know' basis in the best interest of the child/young person with the relevant statutory authorities and with parents/guardians.

No undertakings regarding secrecy can be given. Those working with children/young people and families and in adult services should make this clear to parents/guardians and to the child/young person.

The proportionate provision of information to the statutory agencies necessary for the protection of a child is not a breach of confidentiality or data protection.

Parents/guardians and children/young people have a right to know if personal information is being shared, unless doing so could put the child/young person at further risk or may put the reporter at risk.

Procedures on information sharing and record-keeping

- Records should be factual and include details of contacts, consultations and any actions taken.
- The Irish Memory Orchestra respects our obligation to cooperation with Tusla regards information sharing where necessary for the protection or welfare of a children
- Records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation and will only be used for the purpose for which they are intended.
- Records should only be shared on a need to know basis in the best interests of the child/young person.
- All records are stored and secured as per Data Protection Policy

Working safely with children and vulnerable people for staff and workers

Guidelines on Behaviour for staff and workers

- Do not spend excessive amounts of time alone with children, away from others. Meetings with individual children or young people should take place as openly as possible. If privacy is needed, the door should be left open and other staff or facilitators informed of the meeting.
- Where lessons or workshops are taking place online, The Irish Memory Orchestra's Online Teaching Policy and Guidelines must be followed
- Avoid unnecessary physical contact with children and young people. There may be occasions when physical contact is unavoidable, such as providing comfort and reassurance for a distressed child providing this is age appropriate, physical support, for example, dance activities. In all cases, use common sense: ask a young person if it is ok to make physical contact with them, for example, if demonstrating an exercise
- Tasks of a personal nature should only be carried out:
 - for very young children or children with disabilities
 - with the full understanding and consent of parents
 - in an emergency situation - parents should be fully informed
 - All tasks of a personal nature are to be undertaken with utmost discretion.
- It is not good practice to take children alone in a car journey, however short. Where it is unavoidable it is advised to use a taxi service or gain full consent from the parents and someone in charge at The Irish Memory Orchestra.
- Do not meet with children outside organised activities, unless it is with the knowledge and consent of parents and a person in charge at The Irish Memory Orchestra.
- Staff and workers who are in relationships with other employees, should ensure that their relationships do not affect their role within the organisation.
- Young people on work experience should not be left unsupervised, unless moving from one area to another. A member of staff should be assigned as supervisor in case they have any complaints or concerns.
- Respect the individuals self-esteem and avoid inappropriate punishment eg. shouting.

It is completely unacceptable to:

- engage in sexually provocative or rough physical games, including horseplay
- allow children to use inappropriate language unchallenged
- make sexually suggestive comments about or to a child, even in fun
- let allegations a child makes go without being addressed or recorded
- display anger or violence inappropriately

In a workshop setting

- Treat everyone fairly.
- Listen to what children and young people have to say.
- Work to create an environment where young people feel comfortable, accepted and able to express themselves freely.
- Be age appropriate
- Provide encouragement and support to all young people regardless of their ability.

Create and enforce the group contract/rules

- Ensure you are adequately prepared
- It is never acceptable to use an individual's personal trauma as material for art process.
- Be aware of your own level of competence and expertise.
- Be aware that the work you do with the group and how you conduct yourself will have a bearing on the reputation of The Irish Memory Orchestra.
- Be aware of participants' level of comfort when doing exercises that require physical contact.
- Evaluate and reflect on your practice. Include the opinions and feedback of young people when evaluating the work.

Working with Young People over 18

- The same group contract applies to all members. This is made clear during the drafting of the group contract. All participants have the same rights and responsibilities.
- The Irish Memory Orchestra has a no-alcohol/drugs rule, regardless of the age of the participant on our Children and Young People programmes.
- While we don't request parental consent for those aged over 18, we do request information on medical conditions, addition needs etc. We also require contact details of next of kin in case of an emergency.
- We seek consent from those over 18 for use of images.
- A disclosure of abuse by a participant over 18, will be treated with the same sensitivity as that of a disclosure by a young person who is under 18.

***Core staff should refer to General Code of Behaviour for more details**

The Irish Memory Orchestra encourages the involvement of children and young people in developing a code of behaviour for themselves. A code of behaviour for children/young people helps to explain their rights and responsibilities when taking part in an organisation's activities. See: [National Youth Council of Ireland: Guidance Sheet: Developing a Code of Behaviour with Children and Young People](#)

Use of Images / Video Footage of Young People

The Irish Memory Orchestra is conscious of the responsibility it has for ensuring any images/video footage of young people are used in a safe and responsible manner that does not put any young person at risk. Photographs and visual images are regarded as personal data under the General Data Protection Regulation (GDPR) is in force as of the 25th May 2020, replacing the existing data protection framework under the EU Data Protection Directive. <https://www.dataprotection.ie/docs/legislation/k/1728.htm>

Therefore all images must be obtained with explicit consent and used only for one or more specified legal purpose.

The Irish Memory Orchestra has developed the following policy on use of images/footage, informed by the Arts Council's Guidelines for taking and using images of children and young people in the arts sector (2009)

https://www.artscouncil.ie/uploadedFiles/wwwartscouncilie/Content/Arts_in_Ireland/Young_people,_children_and_education/Child_protection_and_welfare/Guidelines.pdf

- Images/footage of young people will only be recorded if there is a valid reason relating to The Irish Memory Orchestra's programme.
- Consent for the use of images/footage is sought from young people participating on The Irish Memory Orchestra events and from the parents/guardians where a participant is under 18 at point of enrolment. For once off events, written consent is sought on the day. Notices making aware our use of photography for promotional and publicity purposes are strategically placed throughout the building advising centre users of our policy.
- A refusal of permission will not restrict the participation of a young person on an Irish Memory Orchestra programme.
- Images should be stored securely in an Irish Memory Orchestra drive and removed from other devices as soon as possible.
- Participants and primary carers are verbally informed in advance as to the specific uses of any images/footage and as to whether they will be provided to third parties. The Irish Memory Orchestra will only use images/footage for the reasons specified.
- Care will be taken that young people whose images are captured are dressed in a way that is appropriate to their age and avoiding identification such as School uniform crests or names on clothing.
- Every precaution will be taken to ensure no image/footage used may expose any participant to embarrassment or distress.
- The Irish Memory Orchestra only provides images/footage to third parties when there is a legitimate reason for doing so e.g. distributing images to the media when promoting a programme or Irish Memory Orchestra event being featured as part of a wider event. We may share images with funders for non-commercial purposes where the funder has adequate policies in place.
- The Irish Memory Orchestra will only identify/provide names of individual young people to third parties in a situation where they are being publicly acknowledged e.g.a local newspaper.
(Verbal consent will be sought before providing any details of a young person aged under 18.)

- When using images/footage The Irish Memory Orchestra will not provide information that could be used to make contact with a young person.
- Images/footage will only be used in the context in which they were captured.
- Information such as date taken, names, context of images, and whether consent was provided will be stored with images that are retained.
- It is important that images are reflective of the diversity of young people participating on any The Irish Memory Orchestra programme.
- We will be particularly sensitive when using images of young people whom we are aware are particularly vulnerable.
- Any misuse of The Irish Memory Orchestra images/footage should be reported to the The Irish Memory Orchestra Designated Liaison Person or Director.
- If any individual is unhappy with the manner in which an image/footage is obtained, used or retained by The Irish Memory Orchestra, they should follow The Irish Memory Orchestra's Complaints Procedure. Any such complaint will be taken very seriously and procedures will be followed in full.
- While The Irish Memory Orchestra cannot completely control and regulate the taking of photos or video footage at its events by participants or members of the public, we request that any such images/footage are not made available in the public sphere, are used in a way that is appropriate and are kept within the context in which they were captured.
- It should be made clear to participants that there are situations when it is inappropriate to capture photos/footage of each other. For example while participants are getting dressed or undressed. During the drafting of the group contract, young people should be made aware of good practice on capturing and distributing images. It should be made clear to them that they need to think carefully before they post an image where it can be viewed by others and should not take images out of context. They should be made aware that there are unscrupulous individuals who might use images to identify young people and may seek to make contact with them.

Staff/volunteers should be alert to the possibility of participants capturing and distributing images with a view to causing another person embarrassment or upset. Participants should be informed that any such occurrence will be taken extremely seriously and will be treated as an instance of bullying. Depending on the circumstances, it may be treated as a protection issue and a report maybe made to the statutory authorities.

Using the internet - Social Networking, Web Browsing and Postings

- Staff and workers should not connect with children outside organised activities through personal social networking platforms. Networking and internet communications should remain on the specified web-sites and pages set up by The Irish Memory Orchestra, such as the Facebook, Twitter & Instagram pages administered by The Irish Memory Orchestra staff.
- The Irish Memory Orchestra does not provide on or off-site internet access to Children.
- Downloading of illegal files is strictly prohibited

- Email contact between staff member, visiting artists, facilitators and volunteers and a child should be cc'd to the child's parent/guardian and/or a third party member of staff or artist/facilitator.
- Children's internet communications through The Irish Memory Orchestra websites and social media should be monitored and administered by The Irish Memory Orchestra staff. Comments shared or posted pertaining to any of the following will be withdrawn:
 - inappropriate language
 - sexually suggestive comments of any nature
 - personal allegations

Use of Images / Footage on the Internet

The posting of images/footage on the internet is an area of particular risk and The Irish Memory Orchestra is cognisant of the possibility of images and footage being used and manipulated by those who seek to harm children and young people and the danger of any information provided being used to contact a young person with a view to grooming them for abuse.

The Irish Memory Orchestra takes the following steps for the use of images/footage on the internet:

- Particular care should be taken when posting such content on the internet that it is appropriate, does not provide any information that could be used to contact or locate a young person and does not put a young person at risk in any other way.
- While it is impossible to completely control use of images once they are posted to the internet, The Irish Memory Orchestra requests that all users of its own website and any third party sites on which it has a presence adhere to the following:
 - Do not use any content including images from the site without receiving permission from The Irish Memory Orchestra.
 - Do not misuse or take out of context any content on the site including images or video footage.
 - Do not tag photos posted by The Irish Memory Orchestra.
 - Any comments added should be respectful and not targeted at any particular young person.
 - Do not add comments to photos that may identify individual young people in the photo.

Outing and Trips

The Irish Memory Orchestra does not organise outings or trips outside of our Apprentice schemes.

Dealing with challenging or disruptive behaviour

Members and staff who deal directly with young people will be given guidance and support in dealing with difficult behaviour. Where instances of challenging or disruptive behaviour occur with young people, a record will be kept of this where the instance requires the intervention of a volunteer or worker or where the safety and wellbeing of others are at risk. In an incident of such behaviour, two adults should be present in dealing with the situation and should complete the incident/accident report form. See The Irish Memory Orchestra Anti-bullying Policy and Procedures for more details

Recruitment and Selection

When recruiting staff and workers for programmes, The Irish Memory Orchestra will commit to exploring the candidates' experience and attitude.

Applicants for permanent positions should:

- supply a full current C.V. of past and present work, experience, qualifications or skills relevant to the post
- Attend an interview with a member of staff, Board member and third person
- Give contact details for two referees or written references which can be followed up by a telephone call
- Write a letter of motivation where appropriate
- all appointments must be approved by the Board or committee, not by any individual member/s of the organisation.

Applicants for temporary or freelance contracts positions should:

- supply a full current C.V. of past and present work, experience, qualifications or skills relevant to the post
- Attend an interview with one or two member of staff
- Make a declaration of any, or no, past criminal record
- Give contact details for two referees or written references which can be followed up by a telephone call
- Write a letter of motivation where appropriate

Once selected further steps to be taken to ensure the right person include:

- All accepted applicants must work with The Irish Memory Orchestra and Affiliate organisations to obtain Garda Clearance.
- Make a declaration of any, or no, past criminal record
- Supply documentation to confirm identity of the applicant e.g. driving licence
- Induction for new workers/volunteers on your organisation's policies and procedures, in particular your guiding principles and child safeguarding procedures.
- A probationary/trial period (usually six months). Every new appointee should be reviewed within an agreed period of time. The length of time will vary depending on the nature of the post. A review should be held at the end of the probationary/trial period.

Procedures for Garda Vetting

The Irish Memory Orchestra is an affiliate member of Create, the national development agency for collaborative arts, which is registered with the National Vetting Bureau as a relevant organisation that can represent its affiliates for the purpose of vetting within the scope of the Act. <http://www.create-ireland.ie/garda-vetting/creates-garda-vetting-service>

The Irish Memory Orchestra adheres to Garda vetting legislation and vets those who are carrying out relevant work. Relevant work is defined by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 as follows: any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with children

<https://www.tusla.ie/children-first/children-first-2017/relevant-services/>

We require all staff and workers who have any engagement in the organisation with children, young people and /or vulnerable persons to submit a vetting application form.

We also vet those who fall into the following categories:

- All employed staff and workers on CE scheme
- Any person whose role involves supervision of children or young people
- leader for a trip away or an volunteer/staff member who fulfils the ‘second adult’ in the workshop space role.
- anyone engaged to carry out extra supervision for events or performances etc.
- Any person with an admin role who may carry out supervision of members or have direct contact with young participants through their role.
- Artists in Residence whose work may involve children
- Those documenting events involving children
- Those evaluating events involving children
- Any person whose role may involve communicating directly with children young people.

As required by the National Vetting Bureau, we do not vet board or committee members unless their role requires direct work or contact with young people.

We recognise that we cannot issue a contract or engage the services of anyone carrying out relevant work without receiving a Garda vetting disclosure. Therefore, when planning our programme, we will make an assessment of the individuals we will need to deliver elements of the programme that involve relevant work with children/young people. Once these potential [staff members/volunteers] have been identified, we will contact them to begin the Garda vetting process.

Decision-Making on Garda Vetting Disclosures

We recognise that while the well-being of children/young people is of paramount importance, receiving a disclosure outlining a conviction in relation to a potential staff or worker, does not necessarily mean this person cannot be employed by The Irish Memory Orchestra.

We have a decision-making committee for making decisions on Garda vetting. The members of the committee are The members of the committee are Dave Flynn (Director), Uta Bean Ui Almhain (DLP) and the Apprentice Scheme Manager (To be appointed soon).

Specific factors which would exclude a person from working or volunteering would include
- Workers from other jurisdictions

In the case where new workers/volunteers have resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, it is mandatory them to obtain a Police Clearance Certificate from those countries stating that you have no convictions recorded against you while residing there. A separate Police Clearance Certificate will be required for each country you have resided in. Seeking security clearances from other countries (e.g. UK, USA etc.) are the responsibility of the applicant.

The following websites may be of assistance in this regard:

- United Kingdom <http://www.acro.police.uk/ICPC>
- Australia www.afp.gov.au
- United States of America. <https://forms.fbi.gov/identity-history-summary-checks-review/q384893984839334.pdf>

Safe Supervision and Management

When The Irish Memory Orchestra is working with visiting artists and volunteers, a member of staff, usually the DLP or a parent/volunteer will be available to support and supervise as needed with activities that involve working with children or young people.

We will aim to provide one adult per twelve children in the workspace. In cases where larger numbers are unavoidable eg school visits, an extra member of staff will be available on call or an assistant will attend.

There will be a minimum of one adult to eight children events and appropriate safety procedures put in place specific to the circumstances and age of the children. Parental consent will be obtained for all outings.

There are times when one-to-one work with children is appropriate. Such as during work experience or specific learning. A clear schedule of work with the start and expected finish time for the one-to-one contact will be at Front of house. Safe practice agreement will be put in place between the organisation and the parents/carer regarding the reasons for the one-to-one work, the duration and the content of the sessions.

Additional resource <http://artsineducation.ie/wp-content/uploads/Solo.pdf>

In the case of a young person taking up work experience at The Irish Memory Orchestra we will ensure that they are appropriately supervised by staff, artist or volunteer, introduced to relevant staff members and take part in an induction process to introduce safety procedures.

Management supervision will be given to staff and facilitators throughout their employment with the centre. Formal and informal evaluation will take place to ensure safety and appropriate developments take place.

Staff Support and Training

As part of The Irish Memory Orchestra Induction Process, all staff and workers will be given copies of the policy documents and sent a link to the <https://www.tusla.ie/children-first/children-first-e-learning-programme/>. Current staff will be given a copy of any updated policy documents and will receive relevant training in procedures via staff meetings.

The Irish Memory Orchestra staff will attend training to support the delivery of the policy every five years or if a new person is recruited for any of the positions.

The DLP will attend training to support and review the policy documents and to disseminate this information every five years or more subject to changes in the law/ or if a new person is recruited for the position.

Training records will be maintained with:

- Names of staff, artist, volunteers and their position within the organisation
- Date and name of training programmes delivered/ to be delivered
- The names of the trainers who delivered the programme and the organisation they were from.
- A signed receipt of all workers/volunteers who have been given a copy of the organisation's declaration of guiding principles and child safeguarding procedures

Sharing Information

- Our statement of guiding principles and /or Child Safeguarding Statement should be displayed and available on the website for download.
- The Irish Memory Orchestra will publicise, and make information available to parent or carer about the type of activities, the facilities available, the artists and facilitators, record keeping and enrolment procedures, our policies and procedures and who works at The Irish Memory Orchestra.
- A child friendly document has been prepared, displayed in the workspaces and is handed out in hard copy to participants at times such as enrolment to make children and young people aware of their right to be protected, consulted and treated with respect
- An anti-bullying policy has been developed and is on display
- A complaints policy is in place and has been communicated to children/young people and their parents/guardians
- The Irish Memory Orchestra supports parents/guardians enquiries in person, by email and over the phone during opening hours.
- Staff and workers will wear lanyards/badges to identify themselves.
- A notice board will share information in the workspaces

Complaints Policy and Procedure

This policy aims to demonstrate clearly the procedures for making and responding to negative feedback and complaints. It will provide a clear path for the complainant, management and staff.

This Feedback and Complaints Policy has been developed in compliance with part 9 of the Health Act 2004

It is the policy of The Irish Memory Orchestra to seek a fair, responsible and swift resolution in line with our aims and objectives as a service provider.

Definitions:

Complaint:

Refers to negative feedback made about any action of The Irish Memory Orchestra as a service provider.

- a) it is claimed, does not accord with fair or sound administrative practice
- b) it adversely affects the person by whom or on whose behalf the complaint is made

Complainant:

A complaint can be made by a user of the service against the actions of a member of staff, artist, volunteer, board of management or the service in general.

All complainants have the right to appoint an advocate, who can assist them in making the complaint if a person is unable to make the complaint themselves.

Time frame for making a Complaint

A complaint must be made within 12 month of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint. A Complaints Officer (CO) may extend the time limit for making a complaint if in her/his opinion special circumstances make it appropriate to do so e.g. illness.

Matter Excluded from the Complaints Procedures

A person is not entitled to make a complaint about any of the following matters:

- a matter that is or has been the subject of legal proceedings or before a court or tribunal
- a matter relating solely to the exercise of clinical judgement and actions arising there from
- a matter relating to the recruitment or appointment of an employee; or a matter relating to or affecting the terms or conditions of a contract of employment
- a matter that could be prejudice on investigation being undertaken by the Garda Síochána
- a matter that has been brought before any other complaints procedure. This does not prevent a CO from dealing with a complaint made to the Ombudsman/Ombudsman for children or with referral from these bodies

Making a Complaint

1. verbal and informal:
usually the first step in making a complaint is to discuss the issue with a member of staff or the complaints officer. In the discussion the complainant should always be invited to use the formal complaints procedure – the issue may be resolved at this stage
2. written and formal:
A formal complaint must be made in writing to the Complaints Officer, Director or Chairperson by letter.

Person/s involved in the Complaint

1. The person/s against whom the complaint is made will be informed of the existence and nature of the complaint by the CO
2. They should be given a copy of this policy
3. They need to be informed on the process and be informed of the right to have an advocate present at all stages of the investigations; likewise the complainant

Investigating and Resolving a Complaint

1. The CO will discuss the complaint with the Director and they may decide to bring the complaint to the attention of the Board of Management with recommendations on how to proceed. If the CO and Director decide to investigate, they may establish a sub-committee of three persons to progress.
2. The CO will respond to the complainant in writing within 10 working days of receipt of the complaint outlining the timeframe involved in the investigation or the reason for not investigating
3. The investigation should be in concluded within 30 working days of receipt of the complaint. Extension of 6 months is acceptable if this deadline cannot be met.
4. The CO and Director may interview the complainant, the person whom the complaint is made and any others necessary. Written records will be kept of the interviews
5. Recommendations will be made by the sub committee
6. CO will inform both parties of the recommendations in writing within 10 working days. This decision can be appealed in a signed statement sent to the CO setting out clearly the grounds of the appeal.
7. The appeal should be brought to the board of management with a recommendation to allow or reject. If the appeal is allowed the process will be repeated including the new information. If the appeal is rejected the CO will inform the complainant within 5 working days outlining the reasons.

Redress

Redress should be fair and consistent for the complainant, the person/s against whom the complaint is made and/or the The Irish Memory Orchestra. IMO will offer forms of redress or responses that are appropriate and reasonable once the complaint is upheld eg apology, change of policy or practice.

External Support

IMO may request their Community Worker's involvement to ensure good process is followed or, if acceptable to all parties, to review the process.

A complainant can refer the matter to the Ombudsman/Ombudsman for Children Office at any stage.

Incidents / Accidents Policy and Procedure

In the event of an accident the following procedures must be undertaken:

- Staff trained in first aid must assess the seriousness of the accident and take appropriate action. Medical centre, hospital and local Garda contact numbers are available in front of house at the venues we use
- If the accident is serious i.e. cannot be treated by staff and First Aid provisions at , primary carers must be notified, and alternative medical attention must be sought.
- An accident report form must be completed by a staff member that witnessed the event.
- The Designated Liaison Person, Director and Apprentice Scheme Manager must be briefed of any accidents that occur at the centre.
- An accident log book is available at Front of House
- Events preceding the accident and any other persons involved must be noted along with the actions taken.
- A First Aid box is available in the workspace, Performance space, Front of House

I, on behalf of The Irish Memory Orchestra, Board of Management, understand the implications of the Child Protection Policy and agree to its implementation,

Signed: 
Position Held: Dave Flynn
Date: Director of the Irish Memory Orchestra
29 November 2021

Appendix 1

Definitions

A Child:

A child is officially defined as up to and including the age of 18 years of age, unless married. A young person refers to children in the upper age ranges of a child. (Children First 2017)

A vulnerable adult:

A vulnerable adult refers to people who are or may be in need of care because of mental or physical disability or people who are unable to protect themselves against significant harm or exploitation. (Children First 2017)

The Irish Memory Orchestra

Declaration Form for everyone working with our organisation

This form is **CONFIDENTIAL** and will be kept according to **GDPR regulations 2020**

Surname		First Name	
Any other name(s) previously known as:			
Address			
Email			
Tel. No		Mobile No	

Is there any reason that you would be considered unsuitable to work with children and young people:	yes	no
If yes, please outline the reason:		
Do you consent to Garda Clearance?	yes	no
Are you a Mandated Person?	yes	no

Names and contact details for two referees that we can contact in relation to your work with The Irish Memory Orchestra:

1. _____

2. _____

I DECLARE:

I have read the The Irish Memory Orchestra's guiding principles and child and vulnerable persons safeguarding procedures and I agree to adhere to it	
I have completed https://www.tusla.ie/children-first/children-first-e-learning	
-programme I have enclosed a copy of identification (photocopy of drivers license or passport)	

Signed	
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Appendix 3

Mandated persons' responsibility at The Irish Memory Orchestra

Mandatory reporting, as outlined by the legislation, places a legal obligation on certain individuals known as 'mandated persons' to report harm or potential harm to children.

At The Irish Memory Orchestra we recognise that Artist Facilitators maybe members of the Teacher Council and therefore may consider crossovers of their responsibilities within the organisation.

There are no such persons at present.

Mandated Persons have two principal legal obligations:

1. To report concerns which meet or exceed a particular threshold
2. To assist Tusla in the assessment of mandated reports, where requested to do so.

The legal obligation on mandated persons to report only applies to information they acquire in their professional work. It does not apply outside their work or to information they receive on the basis of a personal relationship.

Where a Mandated Persons knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child—

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to Tusla

In this section the term 'harm' is used as defined in the Children First Act 2015:

'harm' means, in relation to a child—: (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, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise

If reporting independent of the organisational DLP, the mandated persons should inform the DLP that a report under the Children First Act 2015 has been made.

Mandated persons can make a joint mandated report with their DLP or another person, mandated or otherwise.

Where a mandated person has a concern that they believe does not reach the threshold for a mandated report, they should consider whether the concern meets reasonable grounds for concern. If the

mandated person thinks the concern does meet reasonable grounds for concern, they should report the concern to their DLP.

The mandated person retains their right to report independently, should the DLP choose not to report the concern.

<https://www.tusla.ie/children-first/mandated-persons/what-are-the-legal-obligations-of-a-mandated-person/>

Who is a Mandated Person?

<https://www.tusla.ie/children-first/mandated-persons/am-i-a-mandated-person/>

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

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 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.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.