



National
Gallery *of*
I R E L A N D

NATIONAL GALLERY OF IRELAND

**POLICY AND GUIDELINES
FOR THE PROTECTION OF CHILDREN**

2007

POLICY AND GUIDELINES FOR THE PROTECTION OF CHILDREN

National Gallery of Ireland Mission Statement

The purpose of the National Gallery of Ireland is to display, conserve, manage, interpret and develop the National Collection; to enhance enjoyment and appreciation of the visual arts and to enrich the cultural, artistic and intellectual life of present and future generations.

1.	Policy Statement	3
1.1	Statement.....	3
1.2	Key Principles	3
1.3	Policy Aims.....	3
2.	Policy Scope	4
2.1	Staff.....	4
2.2	The role of staff and volunteers.....	4
2.3	Children.....	4
2.4	Abuse Categories	5
3.	Reducing the risks.....	5
4.	Code of Behaviour on Child Protection for NGI staff	6
5.	Procedures for reporting a case of suspected or alleged child abuse.....	7
6.	Statutory Powers.....	7
7.	Designated Child Protection Officers	8
8.	Policy Review	8
9.	Standard Reporting Form	8
10.	Summary of the Rights of Young People	8
11.	Bibliography	8
12.	Addresses - relevant contacts.....	9

Policy Statement

1.1 Statement

It is the policy of the National Gallery of Ireland (NGI) to safeguard the welfare of children and young people by ensuring they are safe and protected from harm whilst visiting our premises. Every year thousands of young people enjoy the learning opportunities provided by the Gallery, visiting with family and friends or as part of an organized group. While the primary responsibility for children's welfare rests with the supervising adult, the Gallery wishes to ensure young people are protected from harm on the premises.

Every child who visits the Gallery should be able to participate in a safe environment protected from harm; this is the responsibility of staff, paid or voluntary, who come in contact with children on the premises. The highest possible standards of care will be provided, knowing all reasonable precautions to prevent harm occurring have been taken. The Gallery wishes to give consideration to both the rights of children and the rights of adults while seeking to protect both groups in their association and work with each other. Any previous convictions or cautions in relation to abuse or violence involving young people will impact on our employment decisions.

1.2 Key Principles

- The welfare and safety of the child is paramount
- All children have the right to protection from physical, sexual and emotional abuse
- Staff and volunteers have a duty to report concerns
- A service of the highest quality for children, staff and volunteers will be maintained
- Any suspicious or allegations of abuse will be taken seriously, responded to swiftly and appropriately
- The NGI complaints procedure is accessible to all visitors at the information desks, Gallery reception, Human resources and the Education Department
- The Child Protection Policy is accessible at NGI information desks

1.3 Policy Aims

NGI policy and procedures aim to ensure:

- Good practice among personnel
 - The planning of work, access and supervision which is used to minimize situations where abuse of children might occur
 - What responsibilities each employee/volunteer has in respect of this policy
 - To respond properly to suspicions and allegations
 - How to ensure confidentiality
 - The ways in which personnel are recruited and selected for positions involving direct or indirect contact with children ensures their suitability for working with children (eg references)
 - Systems are in place to ensure that staff working with children are regularly monitored
- Training on implementing this policy and the prevention of child abuse generally, is provided for staff and volunteers

2. Policy Scope

This policy describes NGI commitment to the protection of children and its approach to dealing with complaints/allegations of abuse concerning young people participating in Gallery activities, using the following definitions to illustrate the scope of its policy.

2.1 Staff

The NGI is committed to raising the awareness of all staff and volunteers to the importance of child protection.

References to staff apply to:

- Staff employed by the NGI on permanent, fixed term, casual and temporary contracts.
- Staff employed by contractors or through a contract or agency arrangement, who provide a service to the NGI.
- Self employed or freelance staff e.g. tutors, lecturers, artists, guides
- Individuals who provide a service to the Gallery through a partnership arrangement.
- Volunteers

2.2 The role of staff and volunteers

Legal responsibility for the care and supervision of children remains with the person designated with their care and supervision. These individuals should be in attendance at all times. Staff will not assume sole responsibility for a child or young person.

The term **worker** refers to anyone who is engaged in NGI work or voluntary activity with children or young people, whether as a paid employee or as a volunteer. Valuing children means **valuing workers** as well. Safe practices, which eliminate the need for staff and volunteers to take risks and provide support, make for a healthier and safer organization.

2.3 Children

The terms **child**, children or **young people** in this context is defined as anyone up to and including the age of 18.

Although these terms are defined differently in various pieces of legislation, the definition of a child - under both the *Child Care Act, 1991*, and the *United Nations Convention on the Rights of the Child 1989*, (this 'Bill of Rights' for all children was ratified by Ireland in 1992) – is a person under 18. *Anyone under the age of 18 years includes young people*. To promote best practice, it is this definition which is adopted.

Importance of Childhood

The importance of childhood is understood by everyone involved in the NGI. Children's experiences in the Gallery will be guided by what is best for children. The stages and development of children will guide the type of activities provided for them. All children will be valued and treated in an equitable and fair manner.

2.4 Abuse Categories

Within the context of the NGI, child protection is concerned with the prevention or detection of any act on the premises that may involve child abuse. Categories include:

Neglect

The persistent failure to meet children's basic physical and psychological needs likely to result in the severe impairment of the person's health or development.

Physical Injury

This includes hitting, shaking and throwing or otherwise causing physical harm.

Sexual abuse

This involves forcing or enticing a child or young person to take part in sexual activities whether or not the child or young person is aware of or consents to what is happening.

Emotional abuse

This is the persistent emotional ill treatment of a person which can cause severe and persistent adverse effects on that person's emotional development.

3. Reducing the risks

The NGI is committed to planning services and activities that involve children and young people, and employing best practice when considering factors such as recruitment, selection and induction of staff, the physical environment, physical contact, interpersonal dealings and managing sensitive information.

The NGI has appointed two members of staff: a Child Protection Officer and Deputy, who are committed to the principle of child protection.

The NGI seeks to safeguard and protect children through careful staff recruitment and selection procedures which includes:

- Ensuring staff and volunteer recruitment includes security checking appropriate to the level of contact the individual has with children. Ensuring suitable induction and training is provided.
- Requiring NGI staff who have direct contact with children or unsupervised access to children to complete a CPP Application Form, which will form the basis of a security vetting process.
- Sole responsibility for a child ultimately remains with the person who is supervising them such as a teacher, parent or other group leader. However, staff identified as having intensive short or long term access to children in the absence of the person with legal responsibility will be subject to an annual review of their security status.
- Monitoring staff providing services through a contractor, agency, self-employed or freelance basis

The NGI seeks to safeguard and protect children through the physical environment by:

- Undertaking risk assessments related to services, activities and projects involving children. Schools and colleges need to undertake their own risk assessment of their NGI visit.

- Identifying those who have legal designated protection responsibility for children and ensuring they are available to meet their responsibilities.

The NGI seeks to safeguard and protect children through physical contact by:

- Seeking appropriate consent where physical contact may occur or be required as part of the activity or service.

The NGI seeks to safeguard and protect children through interpersonal dealings by:

- Treating all children and young people equally with respect and dignity and putting the welfare of individuals first.
- Recognizing that children or young people with disabilities may be even more open to abuse than those without disabilities.

The NGI seeks to safeguard and protect children through managing sensitive information by:

- Having a policy and procedures for taking and using photographs of children and young people.
- Monitoring the use of web based materials and activities.
- Establishing and maintaining agreed clear procedures for dealing with suspicions or allegations of child abuse that ensure the confidentiality of any and all information relating to such allegations.

4. Code of Behaviour on Child Protection for NGI staff

Certain standards of behaviour are required of all staff. As well as for the protection of children, compliance with these standards is necessary to ensure the protection of staff against any unfounded or false allegations that may be made. Staff members who breach this code of behaviour may be subject to disciplinary action.

Staff must:

Act in accordance with the Child Protection Policy at all times

Staff must never:

- Engage in rough, physical games including horseplay with children
- Allow or engage in inappropriate touching of any kind. Touch should always be in response to the child's need and should always be appropriate to the age and stage of development of the child.
- Physically restrain a child or young person unless the restraint is to: Prevent physical injury of the child/other children/visitors or staff/yourself; Prevent damage to valuable property; Prevent or stop a criminal offence. In all circumstances physical restraint must be appropriate and reasonable; otherwise the act of restraint could be defined as assault.
- Make sexually suggestive comments to or within earshot of a child
- Do things of a personal nature for children that they can do for themselves or that their parent/leader can do for them.

It is recommended, except in emergency situations, that staff do not:

- Travel alone with children or young people
- Go into a toilet cubicle with children unless another adult is present or gives permission (this may include a parent, member of staff or group leader)

- Spend time alone with a child on his/her own. If you find yourself in a situation where you are alone with a child, ensure that you can be clearly observed or seen by others.

5. Procedures for reporting a case of suspected or alleged child abuse

Any member of staff who:

- Suspects a child has been or is at risk of being abused, or
- Has had a disclosure made to them, or
- Receives a complaint from a member of the public relating to child protection issues in the NGL, or
- Has a direct allegation made against them

must report the matter to the designated Child Protection Officer/Deputy or in their absence the Visitor Services Officer/ the Personnel Officer, or the most senior person on site at the time of the incident, observing and noting details of times, dates and contexts in which the incident occurred, together with names of potential witnesses, and any other relevant information, so that a written record of the incident can be made.

The issue of confidentiality is part of the general training of staff in organizations which work with children and young people. Individuals involved with allegations will be reminded of their obligation to maintain strict confidentiality while allegations are being investigated. Any information regarding concerns should only be shared on a 'need to know' basis in the interests of the child. *However, giving information to others for the protection of a child is not a breach of confidentiality.*

6. Statutory Powers

Statutory Powers – legal framework

- The Health Service Executive - HSE is the statutory body responsible for child protection and welfare. Under *the Child Care Act 1991* the HSE has certain statutory obligations for the protection and welfare of children, and overall responsibility for the assessment and management of child protection concerns. Any reports made to the HSE may be subject to the provisions of the *Freedom of Information Act, 1997*, (however, public bodies may refuse access to information obtained by them in confidence).
- An Garda Síochána has responsibility for the investigation of alleged offences through their primary responsibilities to protect the community and bring offenders to justice.
- Central Government through its agencies, the Department of Health and Children and the HSE responsibility for securing the care and safety of children.

There is a moral obligation on any organization involved with children, including vulnerable persons such as children with disabilities who may be more at risk of abuse, to provide them with the highest possible standard of care in order to promote their well-being and safeguard them from harm.

Protection for persons reporting child abuse

The Protection for Persons Reporting Child Abuse Act 1998 (which came into effect in January 1999), contains a number of provisions concerning protection. Primarily it provides immunity from civil liability to persons who report child abuse 'reasonably and in good faith' to the HSE or the Gardaí.

7. Designated Child Protection Officers

Officer: Marie Bourke, Keeper, Head of Education
Deputy Officers: Joanne Drum, Education Administrator
Helen Monaghan, Schools Coordinator

8. Policy Review

The policy will be reviewed on an annual basis.

9. Standard Reporting Form

There is a standard reporting form for reporting child protection and welfare concerns to a health board. (For a copy of the standard form see Appendix 1: Department of Education & Science, *Child Protection: Guidelines and Procedures* (Dublin, Dept of Education & Science, 2001)
http://www.education.ie/servlet/blobervlet/padmin_child_protection.pdf

10. Summary of the Rights of Young People

- Provision
Rights to minimum standards of health, education, social security, physical care, family life, play, recreation, culture and leisure, and adequate standards of living.
- Protection
Rights of children to be safe from discrimination, physical abuse, exploitation, substance abuse, injustice and conflict.
- Participation
Rights of children to a name and identity, to be consulted and taken account of, to have access to information, to have freedom of speech and opinion and to challenge decisions made on their behalf.

Safe management involves:

- Good management practices
- Supervision of children and young people in all activities
- Knowing how to deal with discipline and challenging behaviour
- Providing training/guidelines for all workers
- Supervision and support of all workers

Objectives of Child Protection Training

- Ensure that staff and volunteers (workers) are equipped with appropriate skills, knowledge and values to deliver an effective service to children and young people;
- Ensure that staff are aware of relevant legislation, national guidelines and local child protection procedures and protocols
- Translate learning into a better service for children and families
- Strengthen relationships through training

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