



HSE Child Protection and Welfare Policy

Part B – Development Cycle





HSE Child Protection and Welfare Policy [Part B – Development Cycle]

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Policy Procedure Protocol Guideline

HSE Children First
National Office

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Contents

1.Initiation	3
1.1 Purpose	3
1.2 Scope	3
1.2.1 Inclusion criteria.....	3
1.2.2 Exclusion criteria	4
1.3 Objectives(s)	5
1.4 Outcome(s).....	5
1.5 PPPG Development Group.....	6
1.6 PPPG Governance Group.....	6
1.7 Supporting Evidence	6
1.7.1 Relevant Legislation	6
1.7.2 PPPGs replaced by this PPPG.....	7
1.7.3 Related PPPGs	7
2.Development of HSE Child Protection and Welfare Policy and Procedure.....	8
2.1 List the questions (clinical/non-clinical).....	8
2.2 Literature search strategy	8
2.3 Method of Evidence Appraisal	8
2.4 Process the PPPG Development Group used to formulate the recommendations	9
2.5 Summary of the evidence from the literature	9
2.6 Resources necessary to implement the PPPG recommendations	9
2.7 PPPG steps/recommendations.....	10
3.Governance and Approval.....	11
3.1 Governance arrangements	11
3.2 Method for assessing the PPPG in meeting the standards outlined in the HSE National Framework for developing PPPGs	11
3.3 Copyright/permission sought	11
3.4 PPPG Checklist	11
4.Communication and Dissemination	12
4.1 Communication and dissemination plan	12
5.Implementation.....	12

5.1	Facilitators to Implementation.....	12
5.2	Barriers to Implementation.....	12
5.3	Education/training required to implement this policy and procedures.....	13
5.4	Lead person(s) responsible for the Implementation of this Policy and Procedures.	13
6.	Monitoring, Audit and Evaluation	14
7.	Revision/Update	14
7.1	Procedure for the update of this Policy	14
7.2	Method for amending the PPPG if new evidence emerges	14
	References	16
	Appendices	18

1. Initiation

1.1 Purpose

The safety, welfare and development of children and young people is a core objective and key priority of the HSE. Every staff member has a responsibility and duty of care to ensure that every child/young person availing of and or attending our service is safe and protected from harm (physical/emotional/sexual abuse or neglect). The Children First Act 2015 also places legal responsibilities on organisations and certain professionals in relation to the protection of children from harm.

The HSE Child Protection and Welfare Policy has been developed to promote safe environments for children and young people; provide clarity and support to staff in relation to their roles and responsibilities and procedures to be taken if they have a child protection or welfare concern. It is one of a suite of safeguarding policies in the HSE that serve to provide strong protections to children and young people against the risk of harm.

1.2 Scope

1.2.1 Inclusion criteria

The policy applies to the following categories of staff/teams/services:

HSE staff	The policy applies to all HSE staff across all HSE children and/or adult based services and in HSE administrative/corporate settings. (see glossary for definition of staff), with the exception of those identified in 1.2.2 below.
Contracted and Agency Staff Working in the HSE	The policy applies to any contracted or Agency staff working for the HSE. Contracted or Agency staff should also follow any directions specified by their employing organisation, such as notifying their agency line management where they report a child protection or welfare concern to Tusla, or

	where a decision is made not to report a concern.
HSE Staff working in HSE led Multi-Agency Teams	The policy applies to all staff (of HSE and HSE funded voluntary organisations) on HSE led multi-agency teams for the purpose of their work within the multi-agency team only.

1.2.2 Exclusion criteria

This policy does not apply to the following categories of staff/teams/services:

HSE Staff working in external Services including HSE Funded, Voluntary Agency led Multiagency Teams	<p>HSE staff who work in external services should follow the relevant Child Safeguarding Policies of the external organisation and inform their HSE line manager/supervisor when they report a child protection or welfare concern to Tusla, or where a decision is made not to report a concern. This includes HSE staff working in a multi-agency team managed by a partner agency.</p> <p>Where a staff member of a multi-agency team has a child protection or welfare concern that does not relate to a child under the multi-agency team caseload, the reporting procedure in the employing organisation should be followed.</p>
HSE Funded and Contracted Services	HSE funded and contracted services, as set out in their Service Arrangement with the HSE, are required to be compliant with Children First legislation and guidance. HSE funded and contracted services should have a child protection and welfare policy that is consistent with the guiding principles outlined in this policy. These services may adopt or adapt the HSE Child Protection and Welfare Policy to meet their needs, with the exception of the role of a Designated Officer as this role applies only to specified staff in the HSE, Tusla or An Garda Síochána.

1.3 Objectives(s)

The objectives of the policy are to:

- Promote safe environments for children and young people attending, or who come to the attention of, HSE services.
- Inform staff of their roles and responsibilities in relation to implementing all aspects of Children First legislation, guidance, best practice and HSE policy requirements.
- Assist staff to understand how to recognise, respond to, and report child protection and welfare concerns in line with clear procedures.
- Provide staff with further information in relation to recognising signs of abuse that may be of particular relevance in the healthcare sector.

1.4 Outcome(s)

The policy will be successful where:

- All HSE staff understand that they have a responsibility to protect children and young people from harm.
- All HSE staff are aware of their roles within the HSE, in relation to protecting children and young people from harm and what procedures must be followed.
- Children and young people are safe whilst availing of, or attending a HSE service and, where possible, are protected from any risk of harm at anytime.
- The best interests and safety of children is always a priority when dealing children and their families.
- Suspected child protection or welfare concerns are reported to Tusla; and
- Record keeping procedures for child protection and welfare concerns are adhered to.

1.5 PPPG Development Group

The policy required a PPPG Development Group to be in place (See membership in Appendix I). Each member of the Development Group was required to sign a Conflict of Interest Declaration Form, a copy of which is available, on request.

1.6 PPPG Governance Group

The policy document was consulted on using the existing Children First Governance Structures 2018 as a mechanism for circulation to relevant stakeholders. Union input was sought via the Joint Information and Consultation Forum. External input and clarification, as required, was sought from the Child and Family Agency (Tusla). The policy document was reviewed by the HSE Children First Lead, prior to submission to the HSE Commissioning Oversight Group and Executive Management Team for approval. A copy of the approval is available, on request.

1.7 Supporting Evidence

Many of the principles of best practice which underpin the Child Protection and Welfare PPPG derive from the learning from serious case enquiries, reports and reviews over the past 30 years. This learning has also influenced legislation and National Guidance in relation to child welfare and protection policy in Ireland, which is based on a legal framework provided primarily by the Child Care Act 1991 and the Children First Act 2015. Reporting responsibilities are further informed by Children First National Guidance (2017), the Protections for Persons Reporting Abuse Act 1998 and the Criminal Justice Acts (2006 and 2012).

1.7.1 Relevant Legislation

- [Child Care Act, 1991](#)
- [Protections for Persons Reporting Child Abuse Act 1998](#)
- Data Protection Acts [1988](#) and [2003](#)

- [General Data Protection Regulation 2018](#)
- [Criminal Justice Act \(Reckless Endangerment of Children \)2006](#)
- [Criminal Justice \(Withholding of Information on Offences against Children and Vulnerable Persons\) Act 2012](#)
- [Criminal Justice \(Female Genital Mutilation\) Act 2012](#)
- [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012 - 2016](#)
- [Protected Disclosures Act 2014](#)
- [Children First Act 2015](#)
- [Criminal Law \(Sexual Offences\) Act 2017](#)
- [Domestic Violence Act 2018](#)

1.7.2 PPPGs replaced by this PPPG

This PPPG replaces the HSE Child Protection and Welfare Policy 2016 in full.

1.7.3 Related PPPGs

- [Children First National Guidance for the Protection and Welfare of Children \(2017\).](#)
- [HSE Corporate Child Safeguarding Statement.](#)
- [HSE Policy on Record Retention Periods 2013.](#)
- [HSE Standards and Recommended Practices for Healthcare Records Management 2007.](#)
- [Data Protection: It's Everyone's Responsibility – An Introductory Guide for Health Service Staff 2018.](#)
- [Child Protection and Welfare Practice Handbook \(HSE\) 2011.](#)
- [Child Protection and Welfare Practice Handbook 2 \(Tusla\) 2019.](#)

2. Development of HSE Child Protection and Welfare Policy and Procedure

2.1 List the questions (clinical/non-clinical)

- What internal procedures are required in order to implement Children First guidance and legislation?
- What roles and responsibilities are required to support full implementation and compliance with Children First guidance and legislation across all HSE services?
- What guidance is required to support sufficient understanding for HSE Staff to implement their roles and responsibilities?

2.2 Literature search strategy

Much of the related literature in terms of legislation and guidance was previously compiled for the HSE Child Protection and Welfare Policy 2016. The current revision includes review of:

- Children First National Guidance for the Protection and Welfare of Children (2017);
- Children First Act 2015 (fully commenced on 11/12/17);
- Tusla Children First support documents, and
- Related HSE procedures, for example, the HSE Corporate Child Safeguarding Statement.

2.3 Method of Evidence Appraisal

In terms of applying the new evidence to practice, much of this policy has been informed by (i) legal requirements, and (ii) national guidance. Where matters relate to legislation, procedures have been reviewed in accordance with the law. In

matters of guidance, procedures have been considered and applied in the context of best practice principles to ensure the effective implementation of Children First guidance and legislation.

2.4 Process the PPPG Development Group used to formulate the recommendations

The HSE Child Protection and Welfare Policy 2016 was developed in consultation with relevant stakeholders including key operational services within the HSE, and relevant Trade Unions. The current revision has been carried out by the HSE Children First National Office, with feedback provided by the HSE Children First Oversight Committee, HSE Children First Implementation/Steering Committees, a number of key services in the HSE and the Trade Unions via the Joint Information and Consultation Forum. Feedback and recommendations received during the review process informed the revision of this version of the policy (Part A and B).

2.5 Summary of the evidence from the literature

See section 1.7 above.

2.6 Resources necessary to implement the PPPG recommendations

It is HSE policy that all child protection or welfare concerns should be reported to the appropriate authority with statutory responsibility for same. Legislation has been enacted and national guidance has been updated to provide clarity in relation to legal obligations and best practice in recognising and reporting concerns of harm or abuse of a child. The implementation of this policy will be supported by various methods:

- The policy will be circulated widely across the HSE and Staff will have the opportunity to attend a range of briefings that will be held across CHO areas.
- The policy will be published on the HSE Children First website
- An online briefing of the policy will be made available on the HSE Children First website

- New staff will be introduced to the policy as part of their induction process.
- In addition, key aspects of the policy are incorporated into the HSE Land training programme “An Introduction to Children First” which is mandatory for all staff.
- Other training needs will be identified as required by a training needs analysis conducted by the [HSE Children First National Office](#) and through communications across HSE Children First governance structures.

2.7 PPPG steps/recommendations

Part A of the policy provides clear procedures in relation to the following:

- Roles and responsibilities in relation to the management of child protection and welfare concerns in the HSE of the following:
 - All staff;
 - Line Managers;
 - Senior Management;
 - Mandated Persons; and
 - Designated Officers.
- Reporting of child protection and welfare concerns in the HSE.
- Record Keeping Procedures for Child Protection and Welfare Concerns.
- Information Sharing Procedures and Confidentiality.
- Reporting Guidance

3. Governance and Approval

3.1 Governance arrangements

The Policy is governed by existing compliance assurance processes within the HSE. It is further supported by HSE Children First Governance Structures, which comprises of Operational Steering Committees at CHO/HG/NS level; a HSE Children First Oversight Committee and the HSE Children First National Office.

3.2 Method for assessing the PPPG in meeting the standards outlined in the HSE National Framework for developing PPPGs

The policy, and related procedures, was developed in accordance with the PPPG Framework for developing PPPGs. The PPPG checklist was used to assess compliance with the standards.

3.3 Copyright/permission sought

The primary source of information contained within the policy, and related procedures, is publicly available and/or has been referenced accordingly. With regard to Appendix 1 in Part A of the Policy and Procedure, *Abuse and neglect: Definitions, signs and symptoms and reporting thresholds*, permission was received from Jan Webb to use material from her book J. Webb 'Safeguarding and Protecting Children: The Roles and Responsibilities of the Emergency Department Practitioner' in K. Cleaver, and J. Webb, eds., *The Emergency Care of Children: An Evidence Based Approach*. Blackwell Science.

3.4 PPPG Checklist

The PPPG checklist was signed prior to approval of the Policy and is retained in the Children First National Office – Shared Drive_ CPW Policy Review folder. A copy is available on request.

4. Communication and Dissemination

4.1 Communication and dissemination plan

The Policy and Procedure will be available on the [HSE Children First website](#), and will be disseminated in accordance with the HSE Children First National Office communications plan for same. This includes policy briefings coordinated through the HSE Children First Governance structures and to other staff as required. There will be a general broadcast to all HSE staff. Various additional media approaches will also be utilised to circulate key messages in relation to the policy.

5. Implementation

5.1 Facilitators to Implementation

Implementation of the procedures identified within the policy is an on-going task for senior management in order to ensure effective implementation of Children First guidance and legislation within the HSE. Management are assisted in this task by the establishment of Children First Operational Steering Committees throughout Community Health Care Organisations and Hospital Groups across the HSE. The HSE Children First National Office is available to support these committees with their work. As implementation of Children First guidance and legislation is both a legal and policy requirement, it also falls within the remit of management and staff, who are key facilitators in the implementation of this policy as part of their core duties, roles and responsibilities.

5.2 Barriers to Implementation

The role of a Designated Liaison Person (DLP), as contained within the 2016 version, was to ensure that reporting procedures were followed, and to be a resource person for any staff member or volunteer who has a child protection or welfare concern.

This role was considered by Senior Management to be a potential barrier to the implementation of the HSE Child Protection and Welfare Reporting Procedure, particularly in the context of new reporting requirements under the Children First Act 2015, which was fully commenced in December 2017 and places a legal responsibility on Mandated Persons to report child protection or welfare concerns to Tusla. This reporting responsibility cannot be discharged by another person, for example a DLP, on behalf of a Mandated Person.

Given line management responsibilities within the HSE to support their staff, it was also considered in the context of mandated reporting, that a direct line of responsibility should be maintained between line managers and staff, particularly staff who are Mandated Persons.

Where senior management consider that delegating functions to a person(s) would assist the implementation of Children First in a particular HSE service, due to its needs or circumstances, they may appoint/delegate such a resource. If such resource is put in place, Line Manager responsibility in relation to decisions made by their staff must be preserved.

5.3 Education/training required to implement this policy and procedures.

- National briefings in relating to the policy will be made available as required.
- Information regarding the procedures contained within the policy is included in the HSE eLearning training programme 'An Introduction to Children First', which is mandatory for all staff. This is available at www.hseland.ie.
- Further resources are available from the HSE Children First National Office website (www.hse.ie/childrenfirst) to assist with the implementation of this policy.

5.4 Lead person(s) responsible for the Implementation of this Policy and Procedures.

National Directors, Chief Officers and Hospital Group Chief Executive Officers are responsible for ensuring that the policy is implemented throughout their Community

Health Care Organisations, HSE Hospitals and National Services. Senior management and all line managers have a key role in ensuring that the necessary structures are in place to oversee compliance. Key responsibilities are outlined in Part A, Sections 4.2 and 4.3.

6. Monitoring, Audit and Evaluation

The HSE Children First National Office will, using the HSE Children First Governance Structures, continue to take a lead role in monitoring and evaluating the achievement of the objectives set out in section 1.3 above and procedure.

7. Revision/Update

7.1 Procedure for the update of this Policy

A review of the HSE Child Protection and Welfare Policy will commence two years from date of publication, or sooner where there is a significant material change to matters of relevance within this policy.

The HSE Children First National Office will take the lead role in reviewing the Policy, which shall be reviewed in line with the HSE National Framework for developing Policies, Procedures, Protocols and Guidelines.

7.2 Method for amending the PPPG if new evidence emerges

New evidence which may impact on the PPPG may be submitted to the HSE Children First National Office directly, or through the HSE Children First Governance structures in place to monitor the implementation and review of Children First guidance and legislation within the HSE.

Where evidence may have implications within and beyond the remit of the HSE, this information may be presented for review to the Children First Inter-Departmental Group, chaired by the Department of Children and Youth Affairs, for consideration.

Where new evidence is considered to have a material impact on the PPPG, the review timeframe may be amended to reflect the priority and impact of this information.

References [Source documents may be accessed by clicking hyperlink]

- A Guide for the Reporting of Child Protection and Welfare Concerns - https://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf
- Child and Family Agency Act 2013 - <http://www.irishstatutebook.ie/eli/2013/act/40/enacted/en/html>
- Child Care Act 1991 - <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html?q=Child+Care+Act&years=1991>
- Child Care (Amendment) Act 2007 - <http://www.irishstatutebook.ie/eli/2007/act/26/enacted/en/html>
- Child Protection and Welfare Practice Handbook (HSE) 2011 - https://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf
- Child Protection and Welfare Practice Handbook 2 (Tusla) 2019 - https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf
- Children First Act 2015 - <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html>
- Children First National Guidance for the Protection and Welfare of Children (2017) - <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/children-first-national-guidance.html>
- Criminal Justice Act 2006 - <http://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/print>
- Criminal Justice (Female Genital Mutilation) Act 2012 - <http://www.irishstatutebook.ie/eli/2012/act/11/section/2/enacted/en/html>
- Criminal Law (Sexual Offences) Act 2017 - <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 - <http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html>
- Data Protection Act 1988 - <http://www.irishstatutebook.ie/eli/1988/act/25/enacted/en/html>
- Data Protection (Amendment) Act 2003 - <http://www.irishstatutebook.ie/eli/2003/act/6/enacted/en/html>
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- HSE Child Protection and Welfare Policy (Part A)- <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/hsecpwpolicy.pdf>
- HSE Children First National Office Contact Details - <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/contactus/contactus.html>
- HSE Children First Website - <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/>
- HSE Corporate Child Safeguarding Statement - <https://www.hse.ie/eng/services/news/media/pressrel/child-safeguarding-statement.pdf>
- HSE Policy on Record Retention Periods 2013 - <https://www.hse.ie/eng/services/yourhealthservice/info/dp/recordretpolicy.pdf>
- HSE Standards and Recommended Practices for Healthcare Records Management 2007 - <https://www.hse.ie/eng/about/who/qualityandpatientsafety/safepatientcare/healthrecordsmgt/healthcare-records-management.html>
- Mandated Assisting Protocol for Tusla Staff - https://www.tusla.ie/uploads/content/4214-TUSLA_Mandated_Assisting_Protocol_A4_v3.pdf
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012 - <http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>
- Protected Disclosures Act 2014 - <http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>
- Protections for Persons Reporting Child Abuse Act 1998 - <http://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html>
- Trust in care: policy for health service employers on upholding the dignity and welfare of patient / clients and the procedure for managing allegations of abuse against staff members. HSE 2005 - <https://www.hse.ie/eng/staff/resources/hr-publications/trust-in-care.pdf>
- UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577 - <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

J. Webb 'Safeguarding and Protecting Children: The Roles and Responsibilities of the Emergency Department Practitioner' in K. Cleaver, and J. Webb, eds., *The Emergency Care of Children: An Evidence Based Approach*. Blackwell Science.

Appendices

Appendix I: Membership of the Policy and Procedure Development Group

Name: Marion Martin Title: Children First Lead	Signature: <u>Marion Martin</u> Date: <u>30/04/19</u>
Name: Barry Higgins Title: Training and Development Officer	Signature: <u>Barry Higgins</u> Date: <u>31/4/19</u>
Name: Eva Alford Title: Training and Development Officer	Signature: <u>Eva Alford</u> Date: <u>30/04/2019</u>
Name: Barbara Cullinan Title: Training and Development Officer	Signature: <u>Barbara Cullinan</u> Date: <u>30/4/2019</u>
Chairperson: Name: Marion Martin Title: Children First Lead	Signature: <u>Marion Martin</u> Date: <u>12/07/19</u>