



## **Office of Public Works**

### **Child Safeguarding Statement 2018**



25 June 2018

## FOREWORD

The Office of Public Works is responsible for State services in Flood Risk Management and Estate Management, the latter of which includes the provision of visitor services at seventy of Ireland's most important heritage sites. In any given year we welcome more than six million visitors to these sites, many of them children. One of our most important strategic priorities is to maximise and improve public access, present heritage sites to best advantage and to ensure that visitor enjoyment and education experiences are enhanced. Heritage sites should be places of inspiration and learning for all, and should provide access for all, regardless of their age.

The OPW is committed to a child-centred approach in its work with children and young people, and this Safeguarding Statement has been adopted by us to ensure that as far as practicable, children are kept safe from harm while visiting our sites, engaging with our services, and deepening their generation's understanding and appreciation of our nation's heritage.

Maurice Buckley  
Chairman

### *Note in relation to Cover Images*

*Front Cover:* The image is an official OPW photograph commissioned by the OPW's Press Office for advertising purposes. **Staff are not permitted to take or use images such as this one**, in which individual children are recognisable and/or the main feature of the picture.

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## INTRODUCTION

The Children First Act 2015 states that “any work or activity which consists of the provision of educational, research, training, cultural, recreational, leisure, social or physical activities to children” is a “**relevant service**” under the Act.

Section 10 of the same Act requires that

*“A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service”.*

While providing services to children is not the main function of the Office of Public Works (OPW), the Office does provide a variety of *relevant services* to children in the form of visitor access to national monuments and historic properties. In a single year, up to 80,000 children might avail of our Free Schools Visits programme, supporting the educational curriculum where children can, with their teachers, engage with art, history and social science at heritage locations throughout the country. The Office also facilitates Transition Year school students seeking work experience, as well as engaging with young workers who are employed by organisations working on contract at OPW sites. Potentially, the OPW could engage workers under the age of 18 in positions such as Temporary Clerical Officer.

The policies and procedures contained in this Statement are based on a risk assessment of possible harm<sup>1</sup> to children and the development of measures to mitigate those risks and to safeguard children from harm while engaging with our services.

Many OPW workplaces and staff do not offer *relevant services*, for example at administrative offices, entrance foyers, depots etc. Any child presenting at an OPW property outside the context of a *relevant service* is the sole responsibility of their parents or guardians in respect of the child’s health and safety, welfare and safeguarding.

This Child Safeguarding Statement comes into effect on 25<sup>th</sup> June 2018, and all elements of it will be implemented as soon as is practicable thereafter. It supersedes the OPW Child Protection Policy 2012. It applies to all OPW employees and also to workers at OPW properties who provide goods and services under contract to the OPW and to those who obtain permission from the OPW to provide services to the public at OPW properties.

The OPW’s Safeguarding Statement will be subject to review every two years. It will also be revisited in conjunction with any future proposals to increase or enhance the level of our *relevant activities* for children.

For the purposes of this Child Safeguarding Statement, and in Section 2 of the Childcare Act 1991, **a child is defined as a person under the age of 18 years other than a person who is or has been married.**

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<sup>1</sup> “Harm” as defined in Section 2 of the Children First Act 2015. See Appendix 1.

## PART A: POLICY

### Section 1: LEGISLATION AND NATIONAL GUIDANCE

The OPW's Safeguarding Statement 2018 is based on the following legislative provisions and national guidance:

- *Children First Act 2015* (among other things, this contains the requirement to prepare a child safeguarding statement);
- *Child Care Act 1991* (this contains some relevant definitions);
- *National Vetting Bureau (Children & Vulnerable Persons) Act 2012* (this Act makes it compulsory for employers to obtain Garda Vetting disclosures in respect of anyone providing *relevant activities* to children and vulnerable adults.
- **Children First:** National Guidance for the Protection and Welfare of Children, 2017 (issued under Section 6 of the Children First Act 2015, this contains some non-statutory definitions, best practice guidance, reporting procedures, employer information etc).
- **Our Duty to Care:** The principles of good practice for the protection of children and young people, DoH 2002 (this, in conjunction with the Children First Guidance 2017, contains advice on best practice).
- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (this requires disclosure to the Garda Síochána where a person knows or believes that certain serious offences have been committed against a child).
- *Protections for Persons Reporting Child Abuse Act 1998* (this Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious).

### Section 2: APPOINTMENT OF “RELEVANT PERSON” and “MANDATED PERSONS”

The Children First Act 2015 requires the appointment of a “relevant person” to be the first point of contact in respect of the organisation's Child Safeguarding Statement. It is OPW's policy to appoint the head of the Policy Unit to this role, which is set out in Appendix 2 along with the name and contact detail for the current appointee.

The Act also requires the appointment of a “mandated person” to carry out specific functions in relation to child protection. These include reporting to Tusla, the Child and Family Agency, in certain circumstances, cases where the mandated person knows, believes or has reasonable grounds to suspect that a child has been harmed, is being harmed or is at risk of being harmed. It is OPW's policy to appoint both serving Personnel Officers to this role, with a deputy officer appointed to each who will cover the responsibilities of the role if the Mandated Person is unavailable for a significant

amount of time. The role of a Mandated Person is set out in Appendix 2 and the names and contact details for the current appointees are listed there.

Staff appointed to the roles of Relevant Person, Mandated Person or Deputy Mandated Person must ensure that they are knowledgeable about child protection and must undertake any learning and development needed to discharge their duties effectively.

### **Section 3: OPW's RELEVANT SERVICES and RELEVANT ACTIVITIES**

All *relevant services* (defined in Introduction) provided by the OPW need to be governed by this Child Safeguarding Statement. In addition, services that constitute *relevant activities*<sup>2</sup> require that those who deliver them be Garda vetted. The OPW provides the following range of *relevant services* to children at 70 sites nationwide:

**School-related events:** these include class tours and class workshops to which the children come in groups, accompanied by primary caregivers. In some instances adult caregivers cannot be accommodated at workshops, and the children's group is attended by OPW staff only. Other school related events include instances where individual children attend alone and are assisted by OPW staff, such as TY work experience and assisted research visits for school projects. These are all *relevant activities*.

**Scheduled Guided Tours:** children generally attend ticketed tours and events as part of a family group, attended by a primary caregiver. However, some older children may attend tours singly and unaccompanied, and OPW staff may be unaware of whether or not they are adults. While tour guides reserve the right of admission to unaccompanied children, the OPW generally welcomes such children and respects their autonomy in attending tours unaccompanied. The activities mentioned here are not *relevant activities*.

**Lectures, talks, musical & literary events:** these are normally pre-booked group events, and the presence of children at them tends to be incidental rather than the norm. These are not *relevant activities*.

**Non-ticketed events and casual visits:** these include free exhibitions, open events, self-guided visitor sites, freely accessible parks, outdoor festival events and the use of cafés and food stalls. In these cases the primary responsibility for visiting children rests with their primary caregiver; however, unaccompanied children may be found in attendance without a primary caregiver. These are not *relevant activities*.

**Scheduled Workshops and other events for children:** these are planned and pre-booked events that may be organised and delivered (i) by OPW staff, (ii) by OPW staff working in partnership with other organisations, or (iii) by outside organisations using OPW properties. These are *relevant activities*. In the case of (ii) and (iii) arrangements are governed between OPW and the external bodies by written terms and conditions and indemnification.

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<sup>2</sup> "*Relevant activities*" as defined in the National Vetting Bureau (Children and Vulnerable Adults) Act 2012. See Appendix 1.

All the above are *relevant services* for the purposes of the Children First Act 2015.

#### **Section 4: RISK ASSESSMENT**

Since the Office of Public Works is not involved in providing child care services per se, primary caregivers are chiefly responsible for ensuring that their children come to no harm when visiting our sites. However, having reviewed the areas of activity outlined in Section 3, the Office has identified certain risks to children that might arise. These are set out below. Mitigating measures to reduce or eliminate these risks are contained within the procedures set out in Part B of this document.

- Harm to children may be premeditated, and people wishing to harm children may seek to be employed or volunteer where they can work with children. OPW's recruitment, selection and vetting practices (see sections 8 and 14) aim to deter such people and to minimise the risk of OPW hiring a person who wishes to harm children.
- Offences against children are most likely to happen in secret. Our staff members may be in the sole company of a child otherwise unattended, mainly in the case of TY workers, students conducting research projects and children who have become separated from their caregivers. OPW's "in-plain-sight" supervision procedures (see section 7), protocol for dealing with lost children (see section 13), and procedures for managing Transition Year Placements (see Section 14) aim to eliminate potential opportunities for abuse to happen in secret by avoiding, to the greatest extent possible, instances where staff members are alone with children.
- Some harm, for example child sexual abuse, almost always involves careful planning and manipulation of children and situations. The nature of the *relevant services* the OPW provides is such that our workers rarely have continuous contact with the same children over time. Therefore the risks of any worker on OPW properties having the opportunity to groom potential victims over time is negligible.
- Children are vulnerable when separated from their primary caregivers. Our distribution of roles (see Section 5) and our rules on accompaniment and supervision (see sections 7, 11 and 12) aim to minimise occasions when young children at our sites are not safeguarded by their primary caregiver. Our arrangements for Transition Year students and under-18 employees (see Section 14) and our "in plain sight" supervision code (see Section 7) provides for a more proportionate approach in the case of older children, whose greater capacity to protect themselves is reflected in their greater autonomy in using our services.
- Some harms, such as assault or inappropriate reaction to situations, can happen spontaneously. Our staff training procedures (see section 9) and Code of Behaviour for

Safeguarding Children (see section 7) aim to eliminate as far as possible any threatening, violent or degrading behaviour. Our clarification of roles (see Section 5) makes all workers aware of their right and obligation not to initiate or encourage engagement with children on site unless it is part of their job specification.

- Attempts to be helpful can be inadvertently unwelcome or inappropriate, eg comforting a lost or distressed child. Our Code of Behaviour for Safeguarding Children (see Section 7) and procedures for Lost Children (see Section 13) clarify what is and isn't best practice for staff in such situations. Following these procedures will make it easier to avoid misperception or unintentional affront.
- Malicious accusations of inappropriate behaviour can be made against workers. Valuing children means valuing staff as well. Insisting on safe practices, eliminating the necessity for staff to take risks and providing them with support makes for a healthier and safer organisation. Wishing to support and protect its staff, the OPW has defined all relevant Roles (see Section 5) and has ensured that the Procedures (see Part B) set out in this Child Safeguarding Statement ensure that there is no doubt about responsibilities, obligations and standards expected.
- Diverse standards of personal conduct can have unwanted effects on young people. Our Code of Behaviour for Safeguarding Children (see section 7) sets out clear instructions for staff on how they should conduct themselves in the company of young people, having regard to the relative difference in maturity, the impressionability of young people and the need to model appropriate workplace behaviour.
- Children might be harmed by third parties, or indeed by their primary caregiver, on our premises. Our Code of Behaviour for Safeguarding Children (see section 7) and Reporting Requirements (see Section 16) sets out requirements on staff to be vigilant and to report to An Garda Síochána any harmful offences witnessed in the course of duty.
- Children might be harmed outside of our services, and might choose to disclose the matter to one of our staff. While such an eventuality is unlikely given the transient nature of our interactions with children, the OPW has set out procedures for dealing with such instances in Section 5 (Roles), and Section 16 (Reporting).

In the majority of cases, the identities of those using OPW's *relevant activities* are never known to our staff, and the short duration of our contact with individuals makes it highly unlikely that staff



would develop reasonable grounds for concern that an individual child was at risk of abuse or neglect. However, it is important to note that all citizens are expected to play a part in bringing any such reasonable concerns to the attention of Tusla, the Child and Family Agency whether the concerns arise at work or elsewhere. Further information is available at <http://www.tusla.ie/children-first/general-public>. OPW's arrangements for notifying concerns that arise at work are set out in Section 16.

## **Section 5: ROLES**

Safeguarding children is a collective responsibility which requires all adults to be vigilant and proactive so that together we can help prevent children coming to harm while using our services and sites. It is the OPW's policy that the following roles be assumed:

### **Role of Primary Caregivers**

Primary caregivers are principally responsible for the care and safeguarding of children at OPW sites, be they a parent, teacher or another person acting in loco parentis. They should ensure that young children are never left unattended. They should accompany children on tours and other events when required by OPW staff. They should follow OPW instructions for hand-over and complete indemnification paperwork when leaving children in the organised care of OPW staff. If a primary caregiver permits their child to use OPW sites and services unaccompanied by any adult, the OPW will take this to mean that the young person in question is capable of safely negotiating the site and services unattended. Primary caregivers will have this Policy made available to them for inspection on OPW websites, on request by email and on site. Like all adults, primary caregivers are expected to be vigilant about risks and to report any relevant offence<sup>3</sup> they witness to An Garda Síochána, in accordance with legislative requirements<sup>4</sup>.

### **Role of Children**

Children using OPW sites and services have a role in their own safeguarding. They should follow site rules and procedures set down to protect visitors, behave considerately with other children, avoid unnecessary interaction with non-guide staff, and notify their primary caregiver and/or an OPW staff member should they witness or experience any relevant offence<sup>5</sup>.

### **Role of Visitors**

All visitors to OPW sites will have OPW's Child Safeguarding Statement available to them on request. They should abide by the procedures set out in this Statement and any other site rules set down for

<sup>3</sup> Relevant Offence as defined in the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons Act 2012* (see Appendix 1)

<sup>4</sup> The *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons Act 2012* requires disclosure to the Garda Síochána where a person knows or believes that certain offences have been committed against a child (see Section 16).

<sup>5</sup> See Appendix 1 for definition

safety and safeguarding of children. They should be vigilant to risks and should report any relevant offences<sup>3</sup> witnessed to An Garda Síochána. They should be aware that all other adults around them are also being vigilant. In their own interest, they should avoid behaviour that might seem suspicious in the vicinity of playgrounds, or taking images of children without consent, or instigating conversations with children unknown to them.

### **Role of all OPW staff**

All OPW staff should be familiar with the content of this Child Safeguarding Statement. They should understand clearly and abide by their roles and responsibilities as set out. All staff must sign the declaration in Appendix 8. All staff must be vigilant to risks and must report observed behaviour of concern to their line manager and to the Mandated Person (see Section 16). Staff witnessing a relevant offence (see Appendix 1) are obliged to report it to An Garda Síochána. Staff whose role does not include providing direct services to children have a right and an obligation not to initiate or encourage prolonged interactions with children on site except in emergency situations (eg health, safety, lost child). Staff entering into any type of contract with a service provider for work at an OPW heritage site should follow the procedures set out in Section 10a.

In any dealings with children, all OPW staff are required to abide by the Code of Behaviour for Safeguarding Children set out in Section 7.

In addition to their general role as a staff member under this Statement, there are some extra responsibilities for staff members in particular roles. These are set out below.

### **Additional responsibilities for OPW Managers**

Where staff are providing *relevant activities* to children, their supervisors and managers are expected to support them through training, monitoring and resourcing their work so that they can conform with the policies and procedures set out in this Statement. Regard should be had to the requirements of the Child Safeguarding Statement when drawing up strategic business plans, operational plans, risk registers and during the PMDS process. See also Section 10 (managing services for children).

Senior Managers in the OPW are responsible for implementing and monitoring procedures in their areas of responsibility so as to ensure that the risks identified in section 4, as well as any other site-specific risks, are mitigated by the safeguarding procedures set out in this Statement. Senior Managers should inform the Relevant Person of issues arising in relation to the implementation of Child Safeguarding policies and procedures in their areas.

### **Additional responsibilities for OPW staff recruiting, selecting and appointing workers**

Staff who are involved in recruitment and selection of workers should follow the procedures set out in Section 8. Employment offered to persons who provide *relevant activities* to children should be subject to the person being deemed appropriate for the position through a Garda Vetting assessment process.

### **Additional responsibilities of OPW staff providing *relevant activities* directly to children**

These individuals have a particular responsibility to understand the contents of this Policy and to follow all relevant procedures set down in it, especially those set out in Section 12. Staff working directly with children must consent to be Garda Vetted and cooperate with vetting and re-vetting procedures (see section 15). If needed, they should seek additional learning or training in Child Protection matters. They must willingly cooperate with management instructions arising from any issue, concern, complaint or investigation of an allegation pertaining to the safeguarding of children.

Staff delivering front-line visitor services are not required to act as caregivers for unaccompanied children who visit on a casual basis or who seek to attend a general ticketed tour. In such cases, tour guides may use their own discretion in deciding whether or not to admit an unaccompanied child on tour.

**Role of all other workers on OPW sites that are open to visitors** All workers on OPW sites that are open to visitors should be aware of this Child Safeguarding Statement and should take the time to access the link and read a copy and summaries of its relevant contents. They should conform with the requirements of this Statement in their conduct at OPW sites. They should be prepared to sign the declaration form at Appendix 8 if the local OPW manager requests them to do so.

### **Role of the OPW Relevant Person**

A relevant person under this Policy is the first point of contact for the OPW in relation to the Child Safeguarding Statement and any issues arising in regard to how it operates in practice. Contact details are set out in Appendix 2.

### **Role of the OPW Mandated Person(s)**

The role of the Mandated Person is a statutory one under Sections 14 and 16 of the Children First Act 2015. Details of the role and current appointees are set out in Appendix 2. The OPW's Mandated Persons are responsible for dealing with instances in OPW workplaces where knowledge, belief or reasonable suspicion arises that a child has been, is being or is at risk of being harmed. Their tasks include mandatory reporting to Tusla.

### **Role of Policy Unit**

The role of Policy Unit is to keep this Policy under periodic review and to update it in response to legislative changes, developments in best practice and any operational issues that require the Policy to be revised.

### **Section 6: DISTRIBUTION and DISPLAY**

This Child Safeguarding Statement will be made available as follows:

- An email notification will issue to all staff with an Office Notice containing a link to where the Statement is located on the OPW intranet;
- A hard copy Office Notice and hard copy Statement will issue to all OPW staff who do not have intranet or email access;
- It will be made available to the general public by publication on the main OPW website and all OPW local site websites;
- It will be referenced on the Heritage Island website and in relevant information leaflets such as Contractors' Guides to OPW sites;
- It will be included among documentation provided to contract workers providing services at OPW sites visited by children;
- It will be given to all students undertaking work experience at OPW sites, and to their parents if they are under 18;
- It will be displayed in a prominent place at all OPW sites where *relevant activities* take place and be made available for inspection or copying at the request of any person.

## **PART B: PROCEDURES FOR SAFEGUARDING CHILDREN**

### **Section 7: OPW WORKPLACE CODE OF BEHAVIOUR FOR SAFEGUARDING CHILDREN**

For the safeguarding of children, certain standards of behaviour are required of all workers<sup>6</sup> at OPW sites. As well as for the protection of children, compliance with these standards at work is necessary to ensure the protection of workers against any risk of unfounded or false allegations. The OPW's Workplace Code of Behaviour for Safeguarding Children is set out in the 25 points below. Staff members and non-OPW service providers who breach this Code of Behaviour should be reported to the Mandated Person who will take appropriate action.

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<sup>6</sup> Workers are defined in Appendix 1.

1. Comply with all elements of this Child Safeguarding Statement that apply to you.
2. Treat all children with dignity, sensitivity and respect.
3. Always respond promptly to complaints or allegations (see Section 16).
4. Inform primary caregivers of any issues concerning their children.
5. Follow procedures for dealing with lost/ found children (see Section 13).
6. If images of children are to be displayed, permission should be sought from and given in advance by their primary caregiver(s), using the form at Appendix 5.
7. Images of children should only ever be retained on memory cards owned and issued by the OPW. The capture, retention, use and disposal of such images must be managed in accordance with Data Protection law. See [OfficeNotice24-2013](#) for further information.
8. Maintain awareness of child protection issues when engaging with children and be vigilant for risk. Follow the procedures in Section 16 if you have grounds for concern.
9. If you witness a relevant offence (see Appendix 1) against a child, notify An Garda Síochána immediately and follow the reporting procedure in Section 16.
10. Unless engaging with children at work is part of your job, your levels of engagement with children should be kept to an appropriate level.
11. Never single out a child for favouritism, unfair criticism, sarcasm, ridicule, or unwelcome focus of attention.
12. Be sensitive to the fact that some children are more vulnerable than others and have special needs.

13. Do not leave children unattended or unsupervised when they are in your care.
14. Never engage in rough, physical games including horseplay with children.
15. Never physically restrain a child or young person unless the restraint is to prevent imminent physical injury of the child, other children, visitors, staff or yourself. In all circumstances physical restraint must be appropriate and reasonable; otherwise the act of restraint could be defined as assault.
16. Never do things of a personal nature for children that they can do for themselves or that their primary caregiver can do for them.
17. Never go into a toilet cubicle with children unless a primary caregiver or supervisor is present or gives permission; respect children's privacy in bathrooms or changing rooms.
18. To the greatest extent possible, avoid spending time alone with a child on his/her own. If you find yourself in a situation where you are alone with a child, consider moving to a place where you can be clearly observed or seen by others. For example, get in sight of a CCTV camera if there's one nearby, or leave the door open.
19. At work, never give lifts in your car to children.
20. While physical contact is a valid way of comforting, reassuring and showing concern for distressed children, it should only take place within public view.
21. Never hit or physically punish a child.
22. Never reveal personal information about a child in any way, other than in order to comply with legal provisions or the procedures contained in this Child Safeguarding Statement.
23. In your work capacity do not communicate with children using text messages, facebook or any other forms of social media. Use OPW devices if you must send or take phone calls from children in the course of your work.

24. Use appropriate language in front of children and never subject a child to verbal abuse.

25. Never engage in sexually provocative games, or tell jokes of a sexual nature or make suggestive comments in the presence of a child. Remember that wilful exposure of a child to pornography constitutes sexual abuse.

Staff should know and follow at all times the OPW's rules on use of the internet/IT equipment. See links below:

[ICT-Acceptable-Usage-Policy](#)

[Office-Notice-12-2013-Images](#)

[MobileDevicePolicyJuly2015](#)

## **Section 8: RECRUITMENT, SELECTION & APPOINTMENT PROCEDURES**

The recruitment of workers to provide *relevant services* should always start with a clear definition of the role, which clarifies the OPW's expectations of the candidates and identifies the minimum level of personal qualities and skills required to fill the post.

Appointments to the Civil Service or into State Industrial employment for the provision of *relevant activities* are always subjected to Garda Clearance.

In the case of recruiting for posts involving the provision of *relevant activities*, the following applies:

- Appointees to posts involving the provision of *relevant activities* will be Garda Vetted and their vetting report screened for any previous convictions relating to offences against a child or offences that might cast doubt on their suitability to work safely with children. Employment of the appointee in the provision of *relevant activities* is subject to clearance of that person for the position by the HR manager through a Garda Vetting assessment.
- All newly appointed staff will be asked to sign a declaration (see Appendix 8) certifying that they have read the OPW's Child Safeguarding Statement, agree to abide by its contents and that there is no reason why they would be considered unsuitable for working with children.

In relation to the appointment of staff to the OPW who themselves are under the age of 18, the Personnel Officer must notify the Head of the Business Unit concerned about the status of the worker vis a vis the Children First provisions (see more, Section 14a).

## **Section 9: STAFF TRAINING PROCEDURES**

As soon as practicable after this Child Safeguarding Statement comes into operation, information sessions should be provided for the whole OPW workforce.

In-house induction training courses should contain an outline of the contents of this Statement.

All staff will be required to sign a declaration (see Appendix 8) that they have read the Statement and will abide by the requirements it contains.

Staff involved in the direct provision of *relevant activities* and services will have additional training as required to support the fulfilment of their particular responsibilities for the safeguarding of children. These training needs may be identified through the PMDS process and/or may take place as a scheduled annual recap. Tusla's Children First 90-minute e-learning programme will be made available to staff as required.

Managers of work areas where *relevant activities* are provided may avail of more in-depth training in matters relating to child safeguarding issues as identified through their PMDS processes.

Supervisor-Guide conferences and National Historic Properties staff conferences should include discussions and information exchanges on child safeguarding issues as required.

The Relevant Person and Mandated Persons should acquire additional learning and development as needed to be able to fulfil their role in accordance with all relevant legal provisions, which, apart from child-related legislation, also involves Data Protection and employment legislation.

Short information leaflets will be produced that highlight key aspects of this Statement for use as handouts.

## **Section 10: MANAGING SERVICES FOR CHILDREN**

Staff providing services directly to children should be supported by their supervisors and managers through training, monitoring and resourcing of their work to conform with the policies and procedures set out in this Statement.

Regard should be had to the requirements of this Child Safeguarding Statement when drawing up strategic business plans where new and/or extended *relevant activities* are envisaged.

Operational plans and work programmes should be examined to ensure that adequate staff resources, procedures and training are in place to deliver *relevant activities* within the requirements of this Statement.



Risk assessments should have regard to the risks inherent in providing *relevant activities* to children, and mitigating measures reviewed and monitored accordingly.

Any complaints made or suspicions raised in relation to wilful breaches of the Code of Behaviour for Safeguarding Children (see Section 7) should be discussed with the Mandated Person. The precautionary principle should be applied in any case where behavioural shortcomings are suspected. In such cases staff monitoring and supervision may be increased, and line managers, in consultation with the Mandated Person, may take any appropriate actions that have the protection of a child or children as their primary aim.

## **Section 11: MANAGING SUPPLIER CONTRACTS AT HERITAGE SITES**

### All contracts

Where a site is open to the visiting public, all contracts delivered at that site should contain a standard clause to the following effect:

*“[site name] attracts the visiting public including children. The OPW has a Child Safeguarding Statement in place for the protection of children at this site. When on site the provider is required to have regard to this Statement and abide by its relevant provisions. [link].”*

The link and, as appropriate, hard copy or summary leaflets should be made available to contractors, included in contractors’ guides and elsewhere to ensure that such workers are aware that the OPW has a Child Safeguarding Statement and can access it readily.

### Contracts for Relevant Services (ie to visitors)

If the contract is for provision of Relevant Services, it should contain an additional standard clause to the following effect:

*“The service provider is precluded from providing relevant activities exclusively to children unless their employer has had them Garda vetted. If Garda vetting has not been undertaken, the person providing the service must extend their activity to adults and children.”*

OPW staff are not required to monitor supplier compliance with these contract clauses, other than to be vigilant, as usual, for behaviour of concern on site.

## **Section 12: PROVIDING SERVICES DIRECTLY TO CHILDREN**

The starting point for staff providing *relevant services* and activities directly to children is the Code of Behaviour for Safeguarding Children set out in Section 7 above. In addition, there are a number of specific requirements and expectations that should prevail at OPW sites:

- ✓ For all *relevant activities*, an appropriate ratio of adults to children should be in place. The local OPW manager has the discretion to cancel an event if insufficient adult numbers are available. The following ratios are suggested as guidelines:
  - 1:10 for children under the age of 12
  - 1:15 for children aged 12-17
  - 1:20 for young people aged 17 and over
- ✓ All school groups should be accompanied on guided tours by teachers or other primary caregivers.
- ✓ The following indemnification and release forms should be completed and retained for related activities:
  - Permission to take/use images (See Appendix 5)
  - Indemnity for parents/students (See Appendix 4)
- ✓ Incident forms (see sample at Appendix 6) should be completed in the event of a complaint by a child or his/her primary caregiver concerning a child safeguarding issue. The forms should be forwarded via the line manager to the Mandated Person.
- ✓ Any suspicious behaviour observed that might suggest that the Code of Behaviour for Safeguarding Children is being breached should be brought to the attention of the line manager and the Mandated Person (see Section 16).
- ✓ Staff should call for the backup of another colleague in the event that a visitor is behaving in a way that may pose a risk to the safety or safeguarding of a child.

### **Section 13: LOST CHILDREN**

If it is determined that a child is lost or left unattended at any OPW site, the response of OPW staff members should be guided by the following suggested steps:

- Reassure the child and endeavour to obtain as much information about the child as possible, for example:
  - Name of Child;
  - Age of Child;
  - Name of School, if appropriate;
  - Physical description of Child (Height, colour of hair, clothing etc.);
  - Where the child was found.

- If anyone else is with the child, ask them to remain with you until the primary caregiver has been located. If you are on your own with the child ensure that you get to a public area where you can be seen or heard and try to enlist the assistance of at least one other staff member immediately. Seek an area covered by CCTV.
- Make every effort to locate the primary caregiver by asking for assistance from other people in the area or using radios and any public address systems available.
- If the child is not claimed, ask the local supervisor or manager to initiate contact with An Garda Síochána without delay. If they are not available, contact An Garda Síochána yourself.
- Record in writing who found the lost child and forward an incident report (see Appendix 6) to the Mandated Person for retention.

### **Where a Child is Reported Missing**

**If someone reports that a child is missing, staff must act swiftly - time is of the essence.**

- The staff member receiving the report should try to establish the following information:
  - Name of Child;
  - Age of Child;
  - Physical Description of Child (height, colour of hair, clothing etc.);
  - Where the Child was last seen;
  - The time the child was last seen.
- Other staff on site should be informed and a thorough check should be made of all areas on site including bathrooms, offices and exits.
- Once a sufficient check is made, if the child is not found, the local supervisor or manager should initiate contact with An Garda Síochána without delay. If a manager is not available, contact An Garda Síochána yourself.
- An incident report should be recorded by the staff member who initially received the report of the missing child. This report should be forwarded to the Mandated Person for retention.

## **Section 14: TRANSITION YEAR WORK EXPERIENCE**

Procedures for facilitating Unpaid Student Work Experience for children and/or vulnerable adults are established by the OPW's Learning and Development Unit (see Appendix 7). The Office will only accept applicants when enough resources are in place to ensure appropriate administration and adequate supervision of students. The OPW's in-take of students on work experience must be managed consistently across the organisation, in line with requirements for the safeguarding of children and in a way that protects the interests of all parties concerned: the student, supervisor, the organisation and the wider community. The following rules apply:

1. All TY students on OPW premises must be under the direct supervision of an appointed OPW staff member.
2. Staff undertaking the direct supervision of Transition Year students should be Garda Vetted, as must any staff administering the Transition Year placement process.
3. Approval in principle from the Head of a Business Unit is required before student work placements may be facilitated in that Unit.
4. Staff are not permitted to bring children into OPW premises on work experience placements except under the conditions and arrangements set out by the Learning & Development Unit (see Appendix 7).
5. TY students should not be permitted to deliver *relevant activities* to children.
6. Staff should keep a record of attendance for students assigned under their supervision.
7. The procedures set out in Appendix 7 should be followed in every case.

### **Section 14a: CHILD WORKERS IN THE OPW**

In the unlikely event of the OPW employing children, eg as temporary clerical officers or apprentices, the Head of the Business Unit concerned should approve an individual management plan setting out the scope of training, supervision and task assignment appropriate to the young person's deployment. The management plan must have regard to and, as far as practicable, apply the procedures set out in part B of this Statement.

## **Section 15: GARDA VETTING PROCEDURES**

While children's engagement with our services is incidental in many respects to our wider visitor remit, the OPW does offer a range of activities that are specifically child-centred, which makes us a relevant organisation under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The Children First Act 2015, as well as employment legislation, provides the statutory justification for Garda Vetting of certain staff. Vetting for child protection purposes is carried out in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. As a registered body with the Vetting Bureau, the OPW is permitted to apply for Garda Vetting of all new employees and is also

obliged to have Garda Vetted any staff who will be providing *relevant activities*<sup>7</sup> to children. The scope of OPW's Garda Vetting practice is set out as follows:

### **Garda Vetting of OPW Staff and Workers on Contracts of Service**

The following cohorts of OPW staff will be Garda Vetted for child protection purposes:

- All staff providing *relevant activities* directly to children, viz:
  - All Guides, Head Guides and Supervisor Guides;
  - All staff undertaking supervision of TY students and any other children or vulnerable adults on work experience;
  - Any staff member assigned to a child-centred task.
- All liaison staff administering the Garda Vetting procedures;
- All staff administering the TY work experience in-take procedures;
- The Relevant Person and Mandated Person(s) designated under this Child Safeguarding Statement.

These cohorts will be re-vetted at intervals prescribed under section 20 of the Children First Act 2015.

Further details about the Garda Vetting process, related data protection and record retention issues, the expunging of spent convictions, the role of OPW's liaison person and the restrictions on the OPW in terms of who can be vetted and how the information can be used are all set out in Appendix 3.

### **Garda Vetting and Non-OPW staff**

The OPW does not normally arrange to have individuals Garda Vetted when they work with us on contracts for service or as volunteers in a private or community initiative. Therefore, when engaging with any such people wishing to provide a relevant service, the following procedures should apply:

- If the worker/volunteer is associated with a body registered with the National Vetting Bureau, OPW should require that their governing body have the individuals Garda Vetted before allowing them to provide *relevant activities* on OPW sites. OPW staff should ensure that Requests for Tender, contracts and/or memos of understanding, letters of agreement etc stipulate this.
- If the service provider/volunteer is not associated with a body that is registered with the National Vetting Bureau, then they cannot get themselves independently Garda Vetted.

Therefore, under no circumstances should an OPW staff member permit such a volunteer or contract worker to provide *relevant activities* to children on our sites. These people may provide services to the general public even if children are among the groups to whom they provide the services, but they should not be officially permitted to provide services that are

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<sup>7</sup> *Relevant activities* are defined in the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (see Appendix 1 definitions).

exclusively arranged for children. In short, the OPW cannot allow anybody to provide *relevant activities* who has not been Garda Vetted and cleared for the purpose.

- All contracts with service providers who are likely to come in contact with children on OPW sites should include a stipulation that the contract staff be cognisant of the sections of this Child Safeguarding Statement that pertain to them.

## Section 16: REPORTING REQUIREMENTS

In the first instance, all staff should be aware of the following provision in Section 2.1 of the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons Act 2012*:

*“A person shall be guilty of an offence if (a) he or she knows or believes that an offence, that is a Schedule 1 offence, has been committed by another person against a child, and (b) he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána”.*

The extremely serious offences contained in Schedule 1 to this Act are outlined in Appendix 1 and it is incumbent upon all OPW staff – indeed all citizens - to contact the Garda Síochána immediately if they come to know or believe that such harm has come to a child.

While Schedule 1 offences<sup>8</sup> come at the most serious end of the scale, other concerns must also be acted on by OPW staff. The Children First Guidance<sup>9</sup> points out that acting sensitively, but responsibly, is a universal duty, and the Children First Act 2015 sets out statutory responsibilities for mandatory reporting to Tusla of any knowledge, belief or suspicion held by a Mandated Person that a child is being, has been or is at risk of being harmed.

The following table sets out actions that should be taken in response to different instances:

Scenario	Action
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<sup>8</sup> Schedule 1 to the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons Act 2012*. See Appendix 1.

<sup>9</sup> Children First National Guidance for the Protection and Welfare of Children 2017

Suspicion that the <b>Code of Behaviour</b> for Safeguarding Children is being breached.	<ul style="list-style-type: none"> <li>• Discuss suspicions with line manager.</li> <li>• Monitor situation.</li> <li>• Line manager provides closer supervision if necessary.</li> <li>• Line manager reminds or re-train individual and/or whole team on Child Safeguarding code.</li> <li>• In relation to the person under suspicion, line manager discusses appropriate course of action with the Mandated Person.</li> <li>• Mandated Person will advise on and prescribe appropriate action regarding person under suspicion.</li> <li>• Mandated Person will decide whether to report to Tusla.</li> </ul>
Allegation that the <b>Code of Behaviour</b> for Safeguarding Children has been wilfully breached	<ul style="list-style-type: none"> <li>• If the person making the allegation is an OPW staff member, they should forward an incident report to the Mandated Person via their line manager.</li> <li>• If it's an external complainant, the OPW person receiving the allegation should ascertain details from the accuser and then complete an incident report and forward it to the Mandated Person via the line manager.</li> <li>• Mandated Person liaises with both the party making the allegation and the one accused.</li> <li>• Mandated Person will advise on appropriate action regarding the accused.</li> <li>• Mandated Person will decide whether to report to Tusla.</li> </ul>
Disclosure from a child of <b>alleged harm</b> from an OPW staff member or contractor	<ul style="list-style-type: none"> <li>• Notify Mandated Person immediately.</li> <li>• Mandated Person will advise on and prescribe appropriate action regarding the accused.</li> <li>• Mandated Person will report to Tusla.</li> <li>• Mandated Person will notify primary caregiver and/or school of allegation, as appropriate.</li> </ul>
Disclosure from a third party of <b>alleged harm</b> to a child from an OPW staff member or contractor	<ul style="list-style-type: none"> <li>• Notify Mandated Person immediately.</li> <li>• Mandated Person will advise on and prescribe appropriate action regarding person under suspicion.</li> <li>• Mandated Person will decide whether to report to Tusla.</li> <li>• Mandated Person will notify primary caregiver and/or school of allegation, as appropriate.</li> </ul>
Disclosure from a child of <b>alleged harm</b> from an external source	<ul style="list-style-type: none"> <li>• Notify Mandated Person.</li> <li>• Mandated Person will inform primary caregiver / school / Tusla as appropriate to the disclosure.</li> </ul>
Reasonable grounds for believing an adult at an OPW	<ul style="list-style-type: none"> <li>• Discuss concerns with Mandated Person.</li> <li>• Mandated Person will decide whether to make a non-mandatory report to Tusla.</li> </ul>

site poses a <b>risk to children</b> in general.	
Knowledge or belief that a <b>Schedule 1 offence</b> has been committed.	<ul style="list-style-type: none"> <li>• Notify An Garda Síochána without delay.</li> <li>• Complete an incident report (see Appendix 6) and forward to line manager and Mandated Person.</li> </ul>

It is important to remember that the principle of confidentiality should apply, whereby only those who need to know should be told of a suspicion, allegation or disclosure of abuse. Keeping the number of people informed to a minimum helps to uphold the principle of natural justice, whereby a person has a right to his or her good name and is presumed innocent of an offence until proven otherwise. The Children First Guidance makes it clear, however, that the safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made.

Under this Child Safeguarding Statement, official responsibility is given to OPW's Mandated Persons to use their discretion in deciding whether or not a non-mandatory report to Tusla needs to be made in certain circumstances. However, it is also open to any staff member to make a non-mandatory report of their own, in their citizen capacity, in certain instances. Further details about making non-mandatory reports are contained on Tusla's website at the link below.

<http://www.tusla.ie/children-first/general-public>

