

STANDARDS FOR THE PROTECTION OF YOUNG PERSONS IN COMMUNITY TRAINING CENTRES

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7. STANDARDS FOR THE PROTECTION OF YOUNG PERSONS IN COMMUNITY TRAINING CENTRES.

7.1 Introduction

The protection and welfare of young persons and those with special needs must be a priority of the Boards of Directors of Community Training Centres. It is ETB policy to require all Boards to have in place procedures to deal with the protection and welfare of young persons engaged in training on Community Training Centres.

In developing policies and procedures in the area of child protection, regard should be had to the various legislative provisions and Government publications concerning child protection. In addition to the normal duty of care in protection of children, both the Child Care Act 1991 and the Protection for Persons Reporting Child Abuse Act 1998 are important statutory provision in this area. New National Standards, "Children First: National Standards for the Protection and Welfare of Children" have been published to assist individuals and organisations to improve their own policies and procedures in child protection. There is now both a legal and moral obligation on voluntary agencies to have in place and to observe both policies and procedure.

The following Standards are an outline of a framework in which Community Training Centres can develop their own policies and procedures.

These Standards are designed to assist Boards of Directors draw up procedures to provide for the protection of young people. It is the responsibility of Boards of Directors to draw up and implement clear and precise procedures to deal with each of the following areas:

- Interview and selection of staff.
- Induction of staff.
- Suspicions or allegations of child abuse.
- Induction of Learners.
- Learner grievances and discipline.
- Discrimination/Sexual Harassment/Bullying.

7.2 Definition of 'Child'

For the purpose of these Standards a 'child' means a person under the age of 18 years - other than a person who is or has been married (Child Care Act, 1991). It should also be noted that for the purpose of criminal law, the age of consent to sexual activity is 17 years if single (16 years if married).

Children with disabilities are particularly vulnerable. They have the same rights to be protected as other children. The existing literature on protecting children with disabilities clearly demonstrates the need for much greater vigilance in order to protect children and young people with disabilities and special needs.

7.3 Definition of Child Abuse and Neglect

Child abuse is often the result of a direct act, or of a failure on the part of a parent or carer to act or to provide proper care, or both. These Standards are concerned not just with sexual abuse but with abuse more generally defined as:

- **Physical** - this form of abuse involves physical injury to a child, including poisoning, where it is known or suspected that the injury was deliberately inflicted.
- **Sexual** - this is the use of children by others for sexual gratification. It is the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend and to which they are unable to give informed consent.
- **Emotional** - this is the adverse effect on the behaviour and emotional development of a child caused by persistent or severe emotional treatment or rejection.
- **Neglect** - this involves the failure to provide the care, food and physical conditions, including protection from danger, which will allow a child to develop normally.

7.4 Health Services Executive Responsibilities

Under the Child Care Act 1991 a statutory duty is placed on each Health Services Executive to promote the welfare of children in its area who are not receiving adequate care and protection.

It is important to note that the responsibility for monitoring and co-ordinating the management of child abuse cases rests with the Health Services Executive as part of their Childcare Services provided within the Community Care Programme.

7.5 Initial Steps

Boards of Directors must take the following advisory Standards seriously. Failure to do so could result in the Board finding itself in legal difficulties.

As a first step Boards of Directors need to inform themselves about the issues surrounding abuse and other responsibilities in this area. Boards of Directors should meet with the Health Board Senior Social Worker to further their understanding of the issues surrounding child abuse and seek their assistance in drawing up procedures for the recruitment, selection and induction of all Staff.

Boards of Directors should also seek information on the local procedures adopted by Health Boards for dealing with child abuse in order to comply with such procedures. It is imperative that Boards of Directors are informed about the action that will be taken following the reporting of a case of suspected abuse.

7.6 Preparing Procedures

Procedures should aim to provide a framework within which Boards will:

- (a) Create a safe and secure environment for Learners.
- (b) Help lessen the possibility of persons with a criminal record or with a history/background of offences relating to abuse being recruited.
- (c) Help to ensure that the best available person is recruited to work with Learners.
- (d) Deal in a correct and sensitive manner in matters of grievance, investigation and discipline.
- (e) Deal in a correct and sensitive manner with all allegations, suspicions or disclosure of abuse.

All procedures drawn up by Boards should be:

- Based on an overall ethos that recognises and addresses the needs of Learners.
- Clear, concise and detailed without ambiguity.
- Relevant to the work of the Community Training Centre.
- Underpinned with principles of confidentiality, discretion and sensitivity both for Learners and staff.
- Applied to General Managers, Instructors and as a general recommendation to all staff of the Community Training Centre and should be written into the overall organisational and personnel policies and procedures of the Community Training Centre.

Procedures are only of value if they are known about and applied. Boards of Directors need therefore to draw up a programme of action to ensure that the procedures are widely disseminated to all staff.

7.7 Designated Individual

It is recommended that each Board of Directors designate a responsible individual, ideally a person who has professional qualifications or appropriate experience, to act as the Designated Person. This individual would take responsibility for the development and implementation of the procedures. The person appointed will not be the General Manager or a member of staff (this could be approached on a national basis).

7.8 Recruitment and Selection of New Staff

- As a basic principle all candidates who have been short listed by a screening panel should be interviewed.
- At least two people should make up the interview panel. Ideally the panel should be of mixed gender. The ETB should be invited to nominate a representative onto Interview Boards.
- Interviews should be probing and should aim to establish the motivation and general philosophy of the applicant towards working with young people. The aim of procedures in this area is to minimise the risk of recruiting people who are unsuitable to work with young people and other vulnerable clients and to encourage good selection and recruitment practice to ensure that the most suitable candidates are selected.
- The panel should seek detailed information on the candidate's previous involvement (paid or voluntary) in working with young people.
- Reasons given for leaving previous employment(s) should be explored and checked on.
- The Panel should check the work history and reasons for leaving their employment(s) for short listed applicants.

Background/Work History of Candidates

As part of the application candidates should be required to provide in writing the following information. This information should then be explored in detail at interview.

- Statement of all surnames used.
- List of all residences for the previous five years.

- If a candidate has worked overseas in the previous five years and was working with young people, full details of employer's name and address.
- Details of involvement in working with young people over the past five years, and names and addresses of employer(s).
- Candidates are to be asked for details of any disciplinary action taken against them both in the context of working with young people and in non-work situations such as sport and recreational activities.
- Candidates should be asked if they have ever been dismissed from a position.
- Candidates should be asked to supply an original birth certificate.
- Candidates should be asked if they have ever been convicted of a criminal offence and the date of that offence.

N.B. The candidate should be asked at interview to sign a declaration stating the accuracy of the information given.

Candidates should be informed that they may choose not to comply but that if they fail to comply with this request, their application will not be processed further.

To ensure the protection and welfare of young people and/or vulnerable clients, the Board of Directors is advised to screen thoroughly all candidates.

Following up all references is a requirement for screening.

All prospective employees must be medically examined by the Board of Directors designated medical officer prior to engagement.

- At least three references should be obtained from each candidate. Of these references, one should be obtained from an employer/organisation where the candidate was engaged to work with young people.
- All references should be checked thoroughly.
- Written references should be followed up verbally and verbal references confirmed in writing.
- When seeking verbal and written references these key questions should be asked:
 - “Is there any reason, that you are aware of, why this person should not be put in the position of working with young people or vulnerable clients?”
 - “Has this person ever had disciplinary action taken against them?”
- Selection of candidates should not be finalised until all references have been obtained.

7.9 Clearance Checks

The ETB would strongly advise that Boards of Directors adopt clearance-checking procedures through An Garda Síochána.

7.10 Staff Induction Programme

It is important that all staff (including contracted staff) recruited to work with young people are informed about the issue of abuse/sexual harassment and the procedures which operate in the event of their being involved with a disclosure, suspicion or allegation of abuse or sexual harassment. These requirements should be linked with the requirements set out in Section 4.

Ideally, the issue should be dealt with as part of a more general induction programme. The following points are Standards to be considered when designing such a programme. Boards of Directors should build into this programme their own ethos and points of particular relevance to them.

Personnel must receive information on the following;

- The role and responsibility of Staff in providing a safe environment for young people and vulnerable groups.
- A clear description of the role of each Staff Member in respect of his/her responsibility to Learners, other clients, other workers, the General Manager and the Board of Directors.
- Written information about the Centre's structure, names and functions of staff engaged in the Centre.
- The tasks and responsibilities expected from staff.
- Information on abuse and sexual harassment.
- Procedures for dealing with allegations/suspensions of abuse/sexual harassment either reported by an adult or Learner.
- Information on procedures for the investigation of alleged abuse/sexual harassment.

7.11 Dealing with Suspicions or Allegations of Child Abuse

In all cases where allegations are made and are investigated, the Board of Directors' legal advisors must be consulted for advice at all stages.

It is essential that Boards of Directors have in place clear and precise procedures in relation to the steps to be taken by staff, General Manager or Board member when there is an allegation, disclosure made, or there is a suspicion of abuse of children or of vulnerable clients.

Two sets of procedures are required.

One set of procedures is required to deal with allegations or suspicions or disclosures that have come to the attention of Centre personnel but are not linked directly to the Centre staff.

The second set of procedures is required to deal with allegations or suspicions or disclosures made against Community Training Centre staff either directly involved in the Centre or employed or involved in the Board of Directors.

7.12 Handling Allegations, Disclosures or Suspicions which are not directly linked to the project

- (1) If any member of the Centre receives an allegation or has a suspicion that a young person is being abused, he/she should in the first instance, report the matter to the General Manager.
- (2) The General Manager should report the matter directly to the Board. If this is not possible, he/she should proceed as at (3) and advise the Board of Directors later. The General Manager should record the action taken.

- (3) The Board of Directors should report the matter to the local General Manager, Community Care.
- (4) It is not the responsibility of the Board of Directors or Community Training Centre Staff to make enquiries of parents. It is the responsibility of the local Health Board to investigate suspected abuse and determine what action to take, including notifying parents and/or Gardai.
- (5) If a Staff Member/General Manager receives an allegation or has a suspicion that another young person in the Centre is abusing a young person in the Community Training Centre, the Standards outlined above should apply.
- (6) When a young person offers information in confidence, the person in whom the young person has confided should assure the young person that everything possible will be done to protect and support him/her, but that she/he understands that it will be necessary to involve other adults.
- (7) Confidentiality should be observed, within current legislation. It is imperative that those involved only discuss the matter with those directly involved in the particular case, so as to avoid slander/character defamation.

7.13 Handling Allegations, Disclosures or Suspicions made against Community Training Centre Staff / Board of Directors

Allegations of misconduct against individual members of a Centre are difficult for all involved in that Centre. Boards of Directors should have clear policies and procedures for all staff to ensure the safety of young people. All members of the Centre should be informed of these policies and procedures.

- (1) If any staff member receives an allegation or suspects that a young person is being abused by another person associated with the Community Training Centre, she/he should in the first instance report the matter to the General Manager. The General Manager should immediately report the matter to the Board of Directors. The General Manager should record the action taken.
- (2) If the General Manager is the alleged offender then the matter should be reported directly to the Board of Directors. The Board of Directors should ensure that a clearly understood procedure is disseminated to staff for this purpose.
- (3) If a member of the Board of Directors is the alleged offender, then the matter should be reported directly to another member of the Board of Directors.
- (4) A written confidential record should be kept at each stage of the process.
- (5) The Board of Directors should inform in writing the person concerned of the suspicion or the allegation, which has been made. Harassment/Bullying procedures should be initiated.
- (6) Written records of any statements made by the individual should be maintained.
- (7) The individual should be advised of the steps to be taken in investigating the situation.
- (8) The Board of Directors should report the matter directly to the General Manager, Community Care.
- (9) The alleged offender should be removed from direct/indirect contact with young people until the matter is investigated. In some instances it may be necessary to suspend the individual on full pay pending the outcome of the investigation.
- (10) Only those in the direct management line should be informed of the reason for any suspension.
- (11) Confidentiality must be maintained. To ensure this it is imperative that those involved only discuss the matter with those directly involved in the particular case, so as to avoid slander/character defamation.

7.14 Learner Grievances and Discipline

As part of the Induction Module in all Community Training Centres, Learners should be made aware of the Training Centre rules and of procedures for dealing with grievances and discipline.

A grievance may be described as something that gives grounds for complaint. When a complaint arises it is highly desirable that direct discussion takes place between the parties and that every endeavour is made to seek a solution. Where the Learner is under 18 years parental involvement is essential.

All matters of discipline must be dealt with in a manner, which protects the dignity of the individual and must not be administered in the presence of other Learners. Before action is taken the individual against whom the complaint is made must be given the opportunity to provide an explanation and unless the circumstances are exceptional be allowed at least 24 hours to furnish it.

7.15 Sexual Harassment

Note See IACTO Handbook on Discrimination, Sexual Harassment and Bullying

Each Board of Directors has a responsibility to ensure that all Learners are assured of a training/work experience environment that is free from threat, harassment or intimidation.

Sexual harassment is defined as:

Unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work.

Examples of some forms of sexual harassment are listed below:

- Non - verbal/visual sexual harassment.
- Sexually suggestive or pornographic pictures and calendars.
- Leering, offensive gestures, whistling.
- Verbal Sexual harassment:
 - Unwelcome sexual advances.
 - Unwelcome pressure for social contact.
 - Sexually suggestive jokes, remarks or innuendo.
- Physical sexual harassment:
 - Unwelcome physical contact such as groping, pinching, patting or unnecessary touching.
 - Unwelcome fondling or kissing.
 - Sexual assault or rape.

The use of electronic media such as Computers, Text Messages, Emails, etc., can prove difficult to detect and can give scope to persons engaged in bullying and/or harassment, and Community Training Centre management should be vigilant for inappropriate use.

The Board of Directors must ensure that:

- There are in place procedures for complaints handling and disciplinary procedures.
- They take responsibility for ensuring that the work/training environment is free of threat and harassment.
- All Learners must be made aware of local management structures and of procedures for dealing with complaints. An explanation of how the procedures are applied should also be given. This information should be provided as part of the Learner Induction Module.
- All complaints are treated seriously, promptly and confidentially.
- Individuals must be protected from intimidation and/or victimisation resulting from a complaint of sexual harassment having been made by them or as a result of them assisting with the investigation.
- All complaints are logged in writing.
- When disciplinary action is required such action will be taken only against the harasser and not the victim.

Specifically in relation to sexual harassment the following should be noted:

- Care should be taken to facilitate the complainant, while ensuring that both parties have adequate opportunity to make their case.
- The procedure should clearly indicate to whom the complaint is made and make provision for circumstances where this person is not appropriate, for example the person is a party to the complaint.
- An offer of intervention by an independent party within the Organisation should be made to the complainant.

Allegations of sexual harassment could arise between:

- Learners.
- Learners and an employee of a company in which a Learner is placed.
- Learners and an employee of the Centre.
- Learners and external trainers or their agents.

Each Community Training Centre Board of Directors must comply with all Legislation and Government.