WELFARE AND CHILD PROTECTION POLICY
HEALTH & SAFETY

[September 2026]

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[1] From Children First *National Guidance for the Protection and Welfare of Children 2017 Chapter 2 pp 7 -13*
[2] From Children First *National Guidance for the Protection and Welfare of Children 2017 Chapter 2 pp 13 -17*

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INTRODUCTION

About Fresh Film

Fresh Film CLG (Fresh Film) is a national organisation for children and young people who are interested in film as makers and viewers.

Fresh was established in 1997 as the educational element of the Limerick Film Festival since then it has grown into an organisation with yearlong activities that is dedicated to encouraging young filmmakers.

Mission

To encourage young people to make films and empower them as young artists
Fresh Film is a national organisation that offers a programme of screenings, workshops, travel opportunities and in-class projects that are designed to support children and young people aged 7 – 18 to engage with film as an art form.

Fresh Film is Ireland's international organisation for promotion, distribution, and networking for young filmmakers

- To empower children and young people as artists
- To increase the number of young people taking part in filmmaking activities
- To promote Irish young filmmakers on an international stage
- To screen and distribute films made by young filmmakers from Ireland and worldwide
- To encourage mentoring and peer-to-peer learning for young filmmakers
- To encourage the appreciation of film

Inclusion Statement

Fresh Film is open to all young people regardless of race, ethnicity, gender, socio- economic status, national origin, sexual orientation, ability, or Faith

Activities

Fresh Film offers a range of activities under separate headings

Fresh Film **International Film Festival:** Annual Festival week
Fresh Film **Productions:** Hothouse, Fresh Blood, Film Squad, Give + Take, Crunniú na nÓg,
Fresh Film **International:** Distribution, YCN and Exchanges
Fresh Film **Education:** You Judge It, Junior Cert Short Course, showcases, In-Focus
Fresh Film also hosts The National Youth Film Council and runs additional Outreach activities

Screenings

Most of Fresh Film's work is in screening films. We screen

a) Films made by children and young people – National and International
b) Feature films and Shorts made by professional filmmakers for children and young people
c) Classic Feature films suitable for children and young people.

Films are screened in a variety of contexts from festival feature screenings in cinemas to collections of international youth produced shorts screened in the classroom. Most films screened by Fresh Film are produced by filmmakers aged 7 -18.

Workshops

Fresh offers workshops

1. During the festival at beginner, intermediate and advanced levels. Workshops are offered to enhance hands on film skills related to the feature films and to address skills deficits observed from the submissions.
2. During the year. These are more advanced workshops offered regionally and nationally and are designed to develop film skills and to bring young filmmakers together to network and share learning

Examples include: Festival programmed skills workshops, Hothouse, Fresh Blood, Give +Take, Junior Cert Short Course with Irish Film Institute (IFI) and Film in Schools (FIS).

International Opportunities

Fresh Film welcomes opportunities for exchanges with other youth film festivals and organisations at an international level. Fresh does these in two ways

1. Distribution – Films are sent to festivals all over the world. Fresh acts as a liaison with the festival until such a time as films are selected and then Fresh passes the festival contact to the filmmakers so that they can make contact if they wish.
2. Exchange and travel – Often opportunities to travel to filmmaking camps, screenings and conferences will arise. In this case Fresh arranges and chaperones individual filmmakers to enable them to travel. As a founding member of the Youth Cinema Network, Fresh Film also avails of opportunities to share practice and develop new international partnerships and projects.

To date Fresh Film has participated in festivals and exchanges in Austria, Britain, China, Croatia, Denmark, Germany, Greece, Italy, Korea, Norway, Palestine, Poland, Serbia and Spain and Irish films have additionally been screened in Australia, Slovenia, Taiwan, Brazil, Georgia, Czech Republic, and USA.

Company Structure

A voluntary board of adult directors including a festival alumnus, a part-time Artistic Director and part-time Manager and part-time Outreach co-ordinator, deliver the administrative, outreach and artistic work of Fresh Film. Activities are resourced through contractors and supported by volunteers and interns comprising adults and young people.

Board Members of Fresh Film

Amy Louise O'Callaghan (Chairperson) Nicole Dunphy, Alison McCluskey, Paudie Baggott, Paul C. Ryan, Sean Molony

Financial Support

Fresh Film gratefully acknowledges the support of **The Arts Council/An Comhairle Ealíon**, **Limerick City and County Council**, **Radio Telefis Eireann, Screen Ireland, Limerick & Clare Education & Training Board** and all of its private donors and sponsors.

Fresh Film is a member of **CREATE, IFTA, YCN, NYFAN, Limerick PPN, and Business to Arts**

In 2023 Fresh Film adopted **Safe to Create** **https://www.safetocreate.ie/**

1. POLICY STATEMENT - CHILD PROTECTION AND WELFARE

Fresh Film is committed to a young person-centred approach in our work. We undertake to provide a safe environment and positive experience; the welfare of the young person is paramount (See Paramountcy pp 7**)**. Fresh Film will adhere to the recommendations of *Children First: National Guidance for the Protection and Welfare of Children (2017)*. Fresh Film has developed policies and procedures to ensure that this commitment is imbued in all aspects of the organisation. The Board of Directors recognise Fresh Film's responsibility in relation to the welfare of staff and participants. This policy is targeted at staff or volunteers. Parents and young people will be informed of relevant policies and procedures. Participants will be informed of procedures and policies as is relevant to the programme that they are engaged in. This policy will be available to download from our website on www.freshfilmfestival.com

The Fresh Film is committed to reviewing its Child Protection Policy and code of practice annually. This policy was updated in **February 2024**

Note: For the purposes of this document all Board members, part time, contract staff; facilitators, artists and volunteers are hereafter referred to as 'staff'
Fresh Film's Designated Liaison Person (DLP) responsible for dealing with all Child Protection issues, the DLP is the Artistic Director, **Jayne Foley,** and can be reached at the Fresh Film number +353 (0)61 319555 Mobile 083 0412122 or at artisticdirector@freshfilm.ie

The Designated Liaison Person (DLP) is **Jayne Foley**
The Deputy Designated Liaison Person (Deputy DLP) and Relevant Person is **Ciarda Tobin**

It is the Fresh Film's Policy that:

- ✓ All staff working on behalf of Fresh Film accept responsibility for the welfare of children and young people who come into contact with the organisation in connection with its tasks and functions, and that they will report any concerns about behaviour, using the procedures as outlined in this document.
- ✓ There is a Designated Liaison Person (DLP) within the organisation who will take action following any expression of concern, and the lines of responsibility in respect of child protection are clear.
- ✓ The Designated Liaison Person (DLP) knows how to make appropriate referrals to child protection agencies.
- ✓ All those who are in contact with children on behalf of the Fresh Film should adhere to the code of practice in relation to children and young people.
- ✓ Information relating to any allegation or disclosure will be clearly recorded in a timely fashion, and that there is a procedure for how information is to be elicited, recorded, stored and shared and guidance on who should pass it on.

Fresh Film as an organisation working with young people acknowledges that it has a responsibility for the safety of children and young people involved in arts projects, attending workshops or otherwise under its temporary care. It also recognises that good child protection policies and procedures are of benefit to everyone involved with the organisation's work, including staff.

In 2023 Fresh Film adopted **Safe to Create https://www.safetocreate.ie/**

Principal of Paramountcy: In its policies, practices and activities, Fresh Film will adhere to the following principles of best practice in child protection and welfare. *Fresh Film recognises that the protection and welfare of children is of paramount importance, regardless of all other considerations* and will:

- Fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters
- Adopt safe practices to minimise the possibility of harm or accidents happening to children and young people and protect staff from the necessity to take unnecessary risks that may leave themselves open to accusations of abuse or neglect.
- Fully respect confidentiality requirements in dealing with child protection matters.
- Be transparent in its dealings with parents, carers, guardians, and leaders

All staff with access to, or contact with children or young people during the course of their work are required to

- Recognise and accept their responsibilities
- Develop awareness of the issues, which can cause children and young people harm
- Report concerns following the procedures outlined in section 7

The Fresh Film endeavours to safeguard children and young people by:

a) Adopting and following child protection and welfare procedures and a code of practice for all who work on behalf of the organisation.
b) Following procedures for recruitment and selection of staff and volunteers.
c) Ensuring that the staff is made aware of Fresh Film's welfare policies and procedures for engaging with children and young people.
d) Providing effective management for staff, and volunteers through support and training.
e) Ensuring that our policy is up to date
f) Reporting concerns to the authorities in a timely and appropriate manner.

1.1 Structure/Governance

Fresh Film is a company limited by guarantee and a registered charity. A voluntary board of Directors governs it. The Board of Directors appoints a Manager and an Artistic Director. The Manager and Artistic Director report directly to the Board. Additional practitioners are engaged on a project or festival basis and they report to the Artistic Director and The Manager. Young people are involved in decision-making in juries and inform change through annual review and participant survey.

Fresh Film is insured though IMOST and by AIG Europe S.A. Richardson Insurance Solutions DAC.
BM, Limerick, audits fresh Film.

1.2 Policies and Procedures

Policies and Procedures

Fresh Film has put the following policies/procedures in place to help ensure the safe participation of everyone involved with the organisation, including participants and staff. We have collected these policies and outlined procedures in this document:

- Code of Conduct and Recruitment for Staff/Volunteers Members (Section 3)
- When traveling with Fresh Film (Section 3)
- Communications (Section 6)
- Policy dealing with challenging or disruptive behaviour (Section 15)
- Anti-bullying policy code of behaviour (Section 14)
- Grievance procedure (Section 17)

- Safety statement
- Covid-19 compliance
- Diversity and Inclusion

This document is available to download online, a copy is available to view in the organisation office 1 John's Square Limerick and relevant sections of the policy are given to participants and primary carers to be signed before participating in specific activities.
Staff, facilitators, and volunteers are asked to read sign and make themselves familiar with the policies and procedures during induction.

Section 1.3 Ratios

During festival screenings, Fresh provides a check in and Front of House team, teachers and leaders must remain with their group during screenings.
For workshops and productions Fresh Film has a minimum of two adults present for activities, a supervisor and at least one facilitator, teachers and leaders must remain with class groups for the duration of in-class workshops. Ratios - For groups aged 9 – 12 it is 1:8, for groups aged 13-18 it is 1:10.
A vetted leader must accompany all workshop groups.

2. KEY ROLES IN SAFEGUARDING

2.1 Named person

The named person is appointed by an organisation to lead the development of guiding principles and child safeguarding procedures and for ensuring that policies and procedures are consistent with best practice.
The named person is responsible for

- Leading the development of guiding principles and child safeguarding procedures
- Ensuring that policies and procedures are consistent with best practice.
- Liaise with all key workers and volunteers who have relevant roles and responsibilities.
- Assist with the review process.

Fresh Film's **named person** is **Ciarda Tobin**

2.2 Designated Liaison Person (DLP)

DLPS are a resource to any staff member who has a child protection concern. DLPs are responsible for ensuring that reporting procedures are followed correctly and promptly and act as a liaison person with other agencies (see *Children First: National Guidance*).

Roles and responsibilities for DLP / Deputy DLP

- Be fully familiar with Fresh Film's duties in relation to the safeguarding of children.
- Have good knowledge of Fresh Film's guiding principles and child safeguarding procedures.
- Ensure that Fresh Film's reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Receive child protection and welfare concerns from workers and volunteers and consider if reasonable grounds for reporting to Tusla exist.
- Consult informally with a Tusla Duty Social Worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of Fresh Film, using the Child Protection and Welfare Report Form.
- Inform the child's parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, unless:
    - Informing the parents / guardians is likely to endanger the child or young person.
    - Informing the parents/guardians may place you as the reporter at risk of harm from the family.
    - The family's knowledge of the report could impair Tusla's ability to carry out an assessment.
- Record all concerns or allegations of child abuse brought to your attention as well as any action/inaction taken in response to these concerns.
- Provide feedback to the referrer, as appropriate.
- Ensure that a secure system is in place to manage confidential records.
- Act as a liaison with Tusla and An Garda Síochána, as appropriate.
- Where requested, jointly report with a mandated person.

The designated liaison person is responsible for ensuring that reporting procedures within Fresh Film are followed, so that child welfare and protection concerns are referred promptly to Tusla. The designated liaison person should record all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse.
If, a designated liaison person, decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The employee or volunteer who raised the concern should be given a clear written explanation of

the reasons why the concern is not being reported to Tusla
- The employee or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána

Fresh Film's **DLP i**s The Artistic Director **Jayne Foley** she is contactable by the Fresh mobile: 083 0412122 and on landline: 061 319555

Fresh Film's **Deputy DLP** is **Ciarda Tobin**

2.3 Mandated person

As defined in the Children First Act 2015, mandated persons have a statutory obligation to report concerns which meet or exceed a particular threshold to Tusla and to cooperate with Tusla in the assessment of mandated reports, where requested to do so.

The Children First Act 2015 requires all providers of relevant services to have a procedure in place to maintain a list of any mandated persons in their organisation.

[3]Mandated persons have two main legal obligations under the Children First Act 2015. These are:
1. To report the harm of children above a defined threshold to Tusla;
2. To assist Tusla, if requested, in assessing a concern, which has been the subject of a mandated report.

Section 14(1) of the Children First Act 2015 states:
'...where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child–
(a) has been harmed,
(b) is being harmed, or
(c) is at risk of being harmed,
he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.'
Section 14(2) of the Children First Act 2015 also places obligations on mandated persons to report any disclosures made by a child:
'Where a child believes that he or she–
19 *(a) has been harmed,*
20 *(b) is being harmed, or*
21 *(c) is at risk of being harmed,*
and discloses this belief to a mandated person in the course of a mandated person's employment or profession as such a person, the mandated person shall, ... as soon as practicable, report that disclosure to the Agency.'
Section 2 of the Children First Act 2015 defines harm as follows:
'harm means in relation to a child–
4. *(a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child's health, development or welfare, or,*
5. *(b) sexual abuse of the child.*

Criteria for reporting: definitions and thresholds

As a mandated person, under the legislation Jayne Foley must report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of

[3] Children First National Guidance, 2017. Pdf pp. 28

abuse are described in Chapter 7. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

If you are in doubt about whether your concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. You can find details of who to contact to discuss your concern on the Tusla website (www.tusla.ie). If your concern does not reach the threshold for mandated reporting, but you feel it is a **reasonable concern** about the welfare or protection of a child, you should report it to Tusla under this *Guidance*.

NEGLECT
Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

EMOTIONAL ABUSE/ILL-TREATMENT
Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

PHYSICAL ABUSE
Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

SEXUAL ABUSE
If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015.
Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in **Appendix 3** of this *document*.

As all sexual abuse falls within the category of **seriously affecting a child's health, welfare or development**, you must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined on page 13 of this *Guidance*.

Disclosures of abuse from a child
If, as a mandated person, you receive a disclosure of harm from a child, which is above the thresholds set out

above, you must make a mandated report of the concern to Tusla. **You are not required to judge the truth of the claims or the credibility of the child**. If the concern does not meet the threshold to be reported as a mandated concern you should report it to Tusla as a reasonable concern under this *Guidance*.

If you receive a disclosure of harm from a child, you may feel reluctant to report this for a number of reasons. For example, the child may say that they do not want the disclosure to be reported, or you may take the view that the child is now safe and that the involvement of Tusla may not be desired by either the child or their family.

However, you need to inform Tusla of all risks to children above the threshold, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to Tusla's assessment of risk to another child either now or in the future.

You should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

- React calmly
- Listen carefully and attentively
- Take the child seriously
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret. Ask questions for clarification only.
- Do not ask leading questions.
- Check back with the child that what you have heard is correct and understood.
- Do not express any opinions about the alleged abuser.
- Ensure that the child understands the procedures that will follow.
- Make a written record of the conversation as soon as possible, in as much detail as possible.
- Treat the information confidentially, subject to the requirements of this *Policy* and legislation

Dealing with a retrospective allegation

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling, or is being treated for a psychiatric or health problem. If you are, for example, a counsellor or health professional, and you receive a disclosure from a client that they were abused as a child, you should report this information to Tusla, as the alleged abuser may pose a current risk to children.

If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, you must pass the information on to Tusla. If your client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

The reporting requirements under the Children First Act 2015 apply only to information that you, as a mandated person, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under this *Guidance*.

Exemptions from requirements to report

UNDERAGE CONSENSUAL SEXUAL ACTIVITY

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If you are satisfied that **all** of the following criteria are met, you are not required to make a report to Tusla:

The young person(s) concerned are between 15 and 17 years old. The age difference between them is not more than 24 months. There is no material difference in their maturity or capacity to consent The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person. The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

In effect, this means that if **all** of the above criteria are met, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

CONCERNS DEVELOPED OUTSIDE OF PROFESSIONAL DUTIES

The legal obligation to report under the Act applies only to information that you acquire in the course of your professional work or employment. It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of this *Guidance* to report all reasonable concerns to Tusla.

MAKING A MANDATED REPORT

Section 14 of the Children First Act 2015 requires mandated persons to report a mandated concern to Tusla 'as soon as practicable'. You should submit a report of a mandated concern to Tusla using the required report form, on which you should indicate that you are a mandated person and that your report is about a mandated concern. You should include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of Tusla needing to contact you for further information. You can find the report form and contact details on the Tusla website (www.tusla.ie).

The Children First Act 2015 requires the CEO of Tusla to appoint authorised persons to receive mandated reports. A mandated person who makes a report to an authorised person is protected from civil liability under the Protections for Persons Reporting Child Abuse Act 1998. The mandated report form can either be posted or submitted electronically to Tusla. You can find details of how to access relevant Tusla authorised staff on the Tusla website. Authorised persons are obliged to acknowledge in writing all mandated reports they receive.

If you feel the concern may require urgent intervention to make the child safe, section 14(7) of the Children First Act 2015 allows you to alert Tusla of the concern in advance of submitting a written report. You must then submit a mandated report to Tusla on the report form within three days.

You should be aware that Tusla may be unable to provide feedback to you on the progress or outcome of the case. However, the information which you have provided will be carefully considered with any other information available to Tusla, and a child protection assessment will take place if sufficient risk is identified. Further details on how Tusla deals with concerns received can be found in Chapter 5 of Tusla's *Guidance*.

You are not required to report the same concern more than once. However, if you become aware of any additional information, a further report should be made to Tusla. In addition, you are not required to make a report where the sole basis for your knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla about the child.

Joint reporting

As a mandated person, you may make a report jointly with any other person, whether that person is also a mandated person or not. For example, this could arise in situations where a child is admitted to the hospital emergency department and could be seen by a number of health professionals, or in a school where the teacher, the special needs assistant (SNA) and the principal all have concerns about the same child and wish

to make a joint report to Tusla.

Informing the family that a report is being made

The Children First Act 2015 does not require you to inform the family that a report under the legislation is being made to Tusla. However, it is good practice to tell the family that a report is being made and the reasons for the decision.
It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

Informing Fresh Film or designated liaison person

Fresh Film Mandated Person must inform the Board if a mandated report has been made and to provide a copy of the report.

Also, many organisations providing services to children have a designated liaison person, who acts as a resource to any staff member who has a child protection concern. Designated liaison persons are responsible for ensuring that reporting procedures are followed correctly and promptly and they act as liaison person with other agencies.

As a mandated person, you have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla. However, there is nothing in the Act to prevent you from either making a mandated report jointly with a designated liaison person or providing a copy of the mandated report you have submitted to Tusla for the information of the designated liaison person.

Consequences of non-reporting

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, you should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.
Tusla may:

- Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member
- Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted

In general, many employers consider a failure to report a child protection concern to be a disciplinary matter. Employers are encouraged to include references to obligations in relation to mandated reporting in codes of conduct and contracts of employment for relevant persons.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is **in addition to** any obligations under the Children First Act 2015.

MANDATED ASSISTING

When Tusla receives a report of harm to a child, the information in the report is used to assess the risk of harm to that child, or any other child. Written reports from mandated persons should improve the quality of information available to Tusla and therefore improve the assessment process, although in some instances Tusla will need further information from the person making the report. The better the quality of the initial

report, and the more comprehensive and relevant the information given at that stage, the more likely Tusla can make an early and effective decision about how to deal with the reported concern.

It is usual practice for professionals, who have ongoing contact with a child and where there is concern about possible abuse, to continue to engage with Tusla's social work team to assist in the protection of the child. To support and reinforce this practice, the Children First Act 2015 provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. You must comply with this request, regardless of who made the report. Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed in each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. You can find the *Tusla Children First – Protocol for Mandated Assisting* on the Tusla website (www.tusla.ie).

Fresh is committed to providing a safe space and experience for children and young people and will work with Tusla to ensure that this can be delivered.

Tusla is committed to promoting the welfare of children. Its ability to do so is greatly improved if all professionals involved with the child work together in the child's interests. Tusla's ability to make good-quality evidence-based decisions about a child's welfare and/or protection is enhanced by cooperation and information-sharing about a child.

Sharing information

The Data Protection Acts 1988 and 2003 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is the subject of a risk assessment with a mandated person who has been asked to provide assistance. Tusla must only share what is necessary and proportionate in the circumstances of each individual case.
Information that Tusla shares with you, if you are assisting it to carry out an assessment, must not be shared with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. This is in keeping with the principles of data protection, which recognise that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.

Mandated Persons

Section 17 of the Children First Act 2015 makes it an offence for you to disclose information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given you written authorisation to do so. If you fail to comply with this section, you may be liable to a fine, imprisonment for up to six months or both. This offence can also be applied to an organisation.

Protection from civil liability

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability. Section 16(3) of the Children First Act 2015 states:

If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.

Fresh Film's **Mandated Person** is **Jayne Foley**

2.4 Relevant person

As a provider of a relevant service under the Children First Act 2015 Fresh Film has appointed a **relevant person** to be the first point of contact in relation to the Child Safeguarding Statement; their name and contact details are included in the Child Safeguarding Statement.

Fresh Film's relevant person is Laura Wilkinson

3 STAFF/VOLUNTEERS/LEADERS

Introduction

Working with young people requires a special set of skills and attributes. As a facilitator, you bring your experience, skill and professionalism to contribute to Fresh Film. Fresh Film's educational work is non-formal and many but not all wish to pursue a career in film.

3.1 Code of Behaviour for Staff

- Note details for participants (name, address, phone, special requirements, attendance, emergency
- Confidentiality of participant data
- Apply any personal information within confidentiality and GDPR guidelines (A copy of the GDPR statement is available in the about section of http://www.freshfilm.ie)
- Make sure all primary carers and facilitators are aware of the Welfare and Child Protection Policy and Procedures;
- Support Fresh Film in its aim to be as inclusive of members with special needs as possible, taking into consideration the accessibility of our venues;
- Plan and be sufficiently prepared, both mentally and physically for any and all activities involving festival and out of festival participants or when representing Fresh Film as an organisation; Observe COVID guidelines and support the COVID officer on duty.
- Implement Fresh Film policies in respect of behaviour and bullying
- Observe appropriate dress and behaviour
- Ensure that all incidents and accidents are reported in the accident book, which is kept in the First Aid box.
- Have vetted adults present for activities.
- Do not be passive in relation to concerns of members, staff, volunteers or visitors, i.e., don't 'do nothing';
- Do not let a problem get out of control;
- Avoid giving lifts home to members if at all possible. If a situation necessitates giving a lift to a young person, the staff/volunteer will take care to inform the primary carer of the participant;
- Be mindful of language and of comments made around, directed towards or regarding participants
- Take care to address any possible upset or offence caused by the staff/volunteer with tact and sensitivity.
- Avoid spending time alone with any participant;
- Support Fresh Film's policy on the capture and use of images;
- Do not use or allow offensive or sexually suggestive physical contact and/or verbal language;
- Do not single out any participant (for favouritism, criticism, ridicule, or unwelcome focus or attention);
- Do not allow/engage in inappropriate touching of any form;
- Do not hit or physically discipline any member;
- Do not socialise inappropriately with members, e.g., outside of structured organisational activities, electronically, online or otherwise. This includes texting members or any electronic and cyber contact.

3.2 Code of Behaviour for participants

Information is available in many forms: email, announcements, Text, WhatsApp, Twitter, Instagram, Slack, Facebook and the Festival website, www.freshfilm.ie

- Make sure the Manager has your correct contact details. If any of your contact details change since the last occasion that you shared it, it is your responsibility to contact the manager and give him/her your new details. By attending workshops or travelling with Fresh Film you agree to abide by this code of behaviour.

- Respect: Please respect Fresh Film leaders and workshop facilitators and any reasonable requests they make of you. Please respect your fellow participants.
- Alcohol: The consumption of alcohol at any workshop or travel arranged by Fresh Film is not permitted. If you arrive for an activity under the influence of alcohol you may be refused access to the activity and if you are under 18 your parents will be informed and will be called to collect you.
- Drugs: In accordance with the law, illegal drugs are strictly prohibited on any Fresh Film excursion/activity; in addition any misuse of prescription drugs is also prohibited. This also extends to any 'legal highs'.
- Clean Up: Take responsibility for keeping your studio space, production area and work areas clean – this will also keep you safer and healthier so don't wait to be asked.
- Punctuality: Participants' must arrive on time for workshops otherwise they will not be permitted to participate in them.
- Please Respect your fellow participants during workshops. That means giving them your full-undivided attention, not heckling them, not talking amongst yourselves, listening and offering constructive feedback when possible.
- Please treat facilitators as they treat you and conduct yourself in a manner that is considerate.
- Mobile Phones: Participants must make sure their mobile phones are switched off during workshops or rehearsals unless projects are being shot on phones.
- If you cannot attend a workshop, shoot or production meeting for any genuine reason you must contact the directors directly in advance of the session.
- Smoking: It is illegal for anybody under the age of 18 to purchase cigarettes. In accordance with the age range of participants in our activities we would ask all participants not to smoke.
- Vaping: In accordance with the age range of participants in our activities we would ask all participants not to vape.
- Personal Property: Please keep an eye on your bags and personal property. Do not leave them unattended. Respect other people's property.
- In the event of a fire, please make your way calmly from the workshop, production venue, location to the designated meeting place. Do not leave the meeting place until you have been accounted by the Manager/ leader.
- Equipment: Please be respectful and careful with any borrowed equipment and with Fresh Film edit stations.
- Safety: Be sensible in your approach to your own safety and that of other participants and do not ask another participant or leader to do something that you know to be risky or that would knowingly cause physical, psychological or emotional distress. Observe COVID guidelines.

3.3 Code of Behaviour when traveling with Fresh Film

For all trips and excursions away from home the young filmmakers will be accompanied by responsible adults who adhere to Fresh Film's policies on the Selection and Recruitment of Staff and Volunteers (Section 12)
Leaders will be chosen for their suitability, availability, and relevant experience.
Fresh Film adheres to good practice when observing adult/ young people ratios of trips and excursions.
For members under 18, parents/ primary carers will be given clear information on the nature of trips in advance and consent will always the required for the members participation.
All participants in trips or excursions will be required to fill out dietary and medical forms, including emergency contact details for an adult next of kin. This information will be kept in line with Fresh Film's Confidentiality Policy (Section 4) and will only be accessed by those who need it.

The general members code of behaviour also applies on trips away. The following also apply

General

- Be open to meeting new people;
- Be willing to engage with the programme of activities and make their own contributions to the event;
- Be alcohol free for the duration of the travel and the festival;
- Cooperate with Fresh Film and the host festival health and safety & COVID requirements;
- Respect the laws of the host country;
- Follow guidance and direction of Fresh Film chaperone, event organisers and facilitators;
- Be reliable, punctual and dependable during the festival;
- Respect other's personal space and belongings;
- Respect that other participants will come from different cultural, economic, religious and ethnic
- backgrounds to me and understand that some participants may find English difficult to understand or speak;
- Agree to event rules including switching off mobile phones during workshops;
- Inform the appropriate responsible leader if I am experiencing any difficulties during the event, e.g. tiredness, intimidation, workshop difficulties etc.;

Medical or special

- Inform the Fresh Film chaperone/s of any special needs or requirements prior to travelling;
- Bring any necessary medication and inform the chaperone and the relevant camp leaders how to access and administer your medications in the event of an emergency;
- Communicate with your chaperone and camp leaders if you are experiencing difficulties including home sickness, climate adjustment, confusion, or any unexpected affect of being disconnected from home. (The chaperone is your link to home so if you need to talk he is there to listen and support you, he will be the person to call home in the event of any emergency);

Travelling / Accommodation

- To stay with your assigned group when travelling;
- To wear a festival t-shirt when travelling to and from Ireland and (The Festival) – (If you don't have one Fresh will provide one for you);
- Inform the appropriate responsible leader before leaving the camp accommodation;
- Stay in assigned rooms/accommodation from 11.00pm (at the latest, observe camp rules if it is earlier);
- Respect others' right to sleep;
- Keep the accommodation clean and tidy;
- Not bring, purchase or consume alcohol or illegal substances;
- Not to damage or remove any property from the accommodation and in the event of accidental damage to inform your leader immediately;
- Not to incur additional room costs without prior written agreement with a leader or host organiser;

Filming and Photography

- To respect the guidance of the host leaders on rules for filming in public and private spaces;
- To not publicly identify camp participants in your images or to publish images that may offend, embarrass or upset other participants.

3.4 Code of behaviour for travelling chaperones / adult delegates

Fresh Film (Fresh) attends several international events as part of its work. As it is not always possible for the festival executive to attend, it provides for representatives to travel on its behalf. If you agree to travel for Fresh your role is to represent the festival. If you are travelling on behalf of Fresh you are not mandated to represent yourself as a self-producer or your own production company in any networking capacity. In addition to representing the festival you may also be a chaperone for young filmmakers also attending.

As a Fresh Film representative at an international event you are responsible for the following

1. Being the link to the festival in terms

   a. Of any young people travelling with you
   b. Of developing links, projects and ideas with partner festivals and organisations
2. Being the face of the festival on an international stage
3. Being a conduit for information to the Artistic Director

Your role is to

1. Retain all relevant participant, travel and programme information necessary for the trip
2. Lead the delegates attending on Fresh's behalf – until they arrive at their designated accommodation.
3. Liaise between the host festival and the young people while attending the inviting festival
4. Be a link to parents, guardians and next of kin for any of the young people travelling.
5. Document any emergency event (and actions taken) involving Fresh Film delegates on behalf of Fresh and be the link as part of the host festival protocols.
6. Share information about Fresh (such as dates, closing dates, submission requirements)
7. Network and Liaise with other delegate festivals and organisations.
8. Collate information gathered at the festival and attend a debriefing meeting with the artistic director.

A Fresh Film chaperone / adult delegate agrees to:

General

- Be open to meeting new people;
- Be willing to engage with the programme of activities and represent Fresh at the events;
- Be alcohol free for the duration of the travel and the festival/ event;
- Cooperate with the host festivals health and safety requirements; Observe COVID guidelines
- Respect the laws of the host country;
- Follow the guidance and direction of event organisers and facilitators;
- Be reliable, punctual and dependable during the festival;
- Agree to event rules including switching off mobile phones during workshops;
- Share information gathered at the festival with Fresh's Artistic Director in a timely manner

Medical or special

- Be informed of any special needs or requirements of Fresh delegates prior to travelling;
- Know how to access and administer delegate medications in the event of an emergency;
- Communicate with camp leaders on behalf of the delegates if necessary. Call home in the event of any emergency.
- Document and report to the DCP on any welfare issue arising during the international exchange

Travelling / Accommodation

- To lead your assigned group when travelling;
- To wear a festival t-shirt when travelling to and from Ireland and the inviting festival / event
- Not bring, purchase or consume alcohol or illegal substances;
- Not to smoke or vape in view of Fresh delegates or groups of young people attending the festival;
- Not to incur additional room costs without prior written agreement with Fresh or the host organiser;

Filming and Photography

- To respectfully gather information about the festival events; in line with the festival's use of images policy (Section 6.5)
- To not to publish images that may offend, embarrass or upset other participants.

4. CONFIDENTIALITY

A culture of mutual respect between children and young people and those who represent Fresh Film, in all its activities, will be encouraged with adults modelling good practice in this context.

While it is important to respect the right of a young person to privacy and to have their personal information dealt with in a confidential and respectful manner, there may be instances when sharing information is necessary because the well- being of a young person is at stake e.g. in the case of a child protection concern about a young person or in the case of a medical emergency. Information relating to young people can only be shared on 'a need to know' basis.

It is part of Fresh Film's acceptance of its responsibility of duty of care towards children and young people that anybody who encounters child protection concerns in the context of their work on behalf of the organisation will be supported when they report their concerns in good faith.

Fresh Film has developed procedures for handling Garda Vetting information**.** Fresh Film manages its vetting though CREATE.

- It will retain ID documents in a securely locked cabinet
- It will delete emails including documents with ID support information
- It will retain disclosures from the Garda Vetting Unit in a securely locked cabinet

Responsibilities

Over the course of their duties, Fresh Film staff may encounter sensitive information including information that relates to participants such as medical conditions or other special requirements. Staff may also be aware of difficulties that a young person is experiencing. We expect staff to manage any such information in line with Fresh Film's policy for confidentiality. Fresh Film's management of information will be in line with GDPR guidelines. Staff is to be aware of the sensitive nature of the information to which they are privy and recognise the responsibility that they have as a result of having access to this information.

- Access to the Festival computers and mobile phone will only be granted following the completion of vetting and then will only be granted on a needs basis.
- Any personal details and contact information for children or young people is to be treated as highly confidential and may not be shared with a third party. It is Fresh Film's policy to liaise between the third party and the young person. The only exception is unless it is absolutely necessary as in the case of a child protection concern **(See section 9 more details).**
- Confidential information is not to be shared or passed on to a third party.
- Staff to be aware that information including written reports is the property of Fresh Film and may not be shared or disseminated without agreement from the director of the organisation.
- Staff may use confidential information only for the purpose(s) for which it was provided and the purpose(s) for which they are authorised to use it.
- Staff should be aware that confidential information might also be contained on other media such as audio files or on video.
- Staff should not share information that is potentially commercially sensitive. If unsure about any specific instance, staff should seek clarification from the director or manager of Fresh Film
- A staff member/volunteer may receive information that is confidential in error as in the case of an overheard conversation. Any information gained in this fashion is subject to the same conditions as information gained in an authorised manner and should not be shared.
- There are circumstances where confidential information is taken outside the Fresh Film office, for example in the case of an event involving the participation of young people where welfare leaders have copies of Participant Information/Parental Consent Forms. Personal information should be

managed with care and should not be left where those without authorisation can access it. This information should be returned to the Fresh Film office or directly to the Manager of Fresh Film or the Designated Person. Welfare/CP reports should be given to the Designated Welfare Person or Manager of Fresh Film only.

- The requirement of confidentiality continues to apply after an individual's involvement with Fresh Film ceases.

Exception: The National Guidelines for the Protection and Welfare of Children states that the "welfare of the child is paramount." This means that considerations of confidentiality should not be allowed to over-ride the right of children to be protected from harm. However, every effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated by the relevant body and a parent referral made.

Breaches of Confidentiality

A breach of confidentiality may lead to a disciplinary procedure or discontinuation of contract in the case of short-term contracted staff.

General Data Protection Regulation

Fresh Film is aware that under the Data Protection Acts (1998/2003 /2018 and subsequent amendments) it is a data controller and these acts govern all aspects of the treatment of sensitive information Fresh Film is committed to the following the principles of Data Protection as summarised by the Office of the Data Commissioner:

- Obtain and process information fairly
- Keep it only for specified and lawful purposes
- Use and disclose it only in ways compatible with the purposes for which it was initially given
- Keep it safe and secure
- Keep it accurate and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes
- Give a copy of his/her personal data to any individual, on request.

29. For the purposes of the application of the Data Protection Regulation in the State, a reference to "child" in the Regulation shall be taken to be a reference to a person under the age of 18 years.

Fresh Film's GDPR Policy is available to download from the 'About' section of www.freshfilm.ie

Reports and Recording Information

As emphasised throughout these guidelines it is extremely important to keep records and reports, not only in relation to child protection but on all aspects of Fresh's work. Here is some advice for creating effective reports:

Reports should be written as soon as possible after an event/incident occurs

- They should be written in legible handwriting or typed. They should be signed by the person who is making the report. Any changes made at a future date should be signed also.
- Stick to the facts as much as possible. Try to be as accurate and comprehensive as possible.
- Stay away from supposition and speculation.
- Try and keep your own opinion out of the report.
- If you are using the words of other people, ensure you are using actual quotes or signed statements rather than your own interpretation of what was said.
- Use full names, addresses etc.
- Include witness statements if an incident/accident occurs

- If an accident has occurred, it is a good idea to take a photograph of the location where it took place.
- Details of any decisions made should be included
- Reports are the property of the organisation, not the individual who creates them.
- Reports, especially those relating to sensitive matters, should be securely stored with access restricted to those who have a direct need to access the information.
- Details should be kept of who has accessed confidential information. For example, a folder could have a note attached for anyone who opens it to sign.

5. CODE OF PRACTICE

The Fresh Film expects that all staff will be aware of this Code of Practice and adhere to its principles in their approach to all children. The Fresh Film adopts a stance that all abuse against children is unacceptable.

- Staff should be guided by the principle of respect and work with each other and the children in a respectful manner.

- Good Practice includes valuing and respecting children as individuals, and the adult modelling of appropriate conduct will always exclude bullying, shouting, aggression, racism, sectarianism or sexism.

- All classes, workshops, screenings, assessments, should be as open as possible, and it is important that no more time should be spent alone with children than is necessary.

- It is important not to have physical contact with children and this should be avoided.

- It is not good practice to take children alone in a car on journeys, however short.

- Do not make suggestive or inappropriate remarks to or about a child, even in fun.

- It is important not to deter children from making a disclosure of abuse through fear of not being believed, and to listen to what they have to say. If this gives rise to a child protection concern it is important to follow **Fresh Film's procedure for reporting** such concerns, (**Section 11)** and not to attempt to investigate the concern.

- Remember that those who abuse children can be of any age (even other children), gender, ethnic background or class, it is important not to allow personal preconceptions about people to prevent appropriate action taking place.

- COVID restriction levels will change but adherence to distancing, contact, hygiene protocols, wellness and ventilation must be maintained as required through the National Framework COVID Plan. (COVID guidelines pp61)

6. COMMUNICATIONS WITH YOUNG PEOPLE

Fresh Film is committed to the safe use of mobile phones, email, the Fresh Film website and any social networking sites created or maintained by the festival. This section links with Fresh Film's Communication policy

6.1 Telephone/Mobile Phone:

Welfare leaders at workshops or exchanges should communicate with young people via the company mobile.

- Staff/volunteers will only contact a young person's personal phone for official festival purposes.
- Any phone communication with young people should only be used for the effective and efficient delivery of a Fresh Film programme and should cease upon completion of the programme.
- Access to phones that include young people's contact details are controlled and restricted to those with a direct need to access them.
- Fresh Film does not provide young people's phone numbers to any third party unless there is a legitimate reason and the young person in question gives their permission. (Parents/Primary carers must also give permission if a young person is under 18).
- In the case of an emergency, where a young person cannot be located or if they are at risk of harm, a Welfare Officer may contact individual young people by telephone. A staff member, in the case of an emergency, may contact a young person on their personal phone but the number is not to be retained.
- Copies of all text messages sent to young people should be retained on the mobile for at least thirty days after an activity/event.
- Images should be taken by Fresh Film staff/volunteers on the company mobile phone unless for the purposes of a Fresh Film event/programme and only after parental consent has been received. Any such images should be transferred to a Fresh Film computer as soon as possible. They should not be retained on the mobile phone. All images should be managed in line with Fresh Film policy.
- Staff/volunteers should never send any communication that could be interpreted as offensive or inappropriate.
- Fresh Film requires that staff/volunteers be aware of the possibility of bullying via mobile phone, not only among young people participating on its programme, but also the possibility that a staff/volunteer may use a mobile phone to bully a young person.

There is also a possibility that a young person may use a mobile phone to harass or target a staff member/volunteer. Any such occurrences will be taken seriously and should be reported to the Designated Person.

- Fresh Film asks that staff be aware of the risk of abuse being carried out/initiated by mobile phone. Any staff member/volunteer who has any concerns about a mobile phone communication received by a young person should follow **Fresh Film's Internal Reporting Procedures (detailed in section 8.)**
- Staff/volunteers and participants should be aware that the sending of offensive or indecent material by mobile phone is treated very seriously under Irish Law.
- Staff/volunteers should not use a mobile phone or other device to play video/audio for young people unless the content is appropriate and it is directly related to an event/programme.

6.2 Email

- Fresh Film staff members, who have access to the Fresh Film email account, should not use their own personal email account to communicate with young people.
- All email communications with young people should be professional, appropriate and respectful.
- Any email communication with young people should only be used for the effective and efficient delivery of a Fresh Film programme and should cease upon completion of the programme. In the event that the email is to young people involved in a Fresh Film specific project, the email should be copied to another member of staff.
- In circumstances where an adult engaged by Fresh Film needs to contact participants in relation to

a project, they should get permission from the manager of Fresh Film in advance and Fresh will set up an email address specifically for the purpose. They should cease to use this email account once the project is completed. The manager of Fresh Film, or Designated Person, should be included in all emails sent including those sent in reply to a response from a young person.

- Communication with young people should stop once the project ceases and their email address should not be used in the future.
- 'Joke' and 'circular' emails even if they seem innocuous should not be forwarded to young people.
- Fresh Film requires all staff/volunteers be mindful of the possibility of email communications being used not only by a participant to bully another participant but also as a means for an adult to bully a young person. Any such occurrence should be taken seriously and reported to the Designated Person or the Manager of Fresh Film.
- Email communications can be used as a means of abuse/initiating abuse. Any staff member/volunteer, who becomes aware of any suspicious communication, should follow **Fresh Film's Internal Reporting Procedure. (**Section 8)
- Use of emails should be in line with Data Protection Legislation. **(**Section on Confidentiality pp. 14) Any emails to more than one person should be bccd.

6.3 Third Party Social Networking Sites

Fresh Film takes every reasonable effort to ensure safe use of any third party sites by adhering to the following:

- An assessment is made of the site and the most suitable settings for a Fresh Film presence before any content goes live.
- Inappropriate content will be removed as soon as Fresh Film becomes aware of it.
- Fresh Film staff/volunteers should separate their own personal social networking presence from that of Fresh Film.
- Fresh Film requests that anyone who wishes to set up a social networking presence associated with Fresh Film but not managed by it, e.g. the alumni of the Hothouse or for the participants of a festival contact Fresh Film in advance. Any content included on these sites should be appropriate and not damage the reputation of Fresh Film.
- Fresh Film will take bullying or harassment by anyone who uses Fresh Film's third party sites very seriously. Any instance will be reported to those who run the website and if appropriate to the Gardaí.
- Staff/volunteers should report any suspicious behaviour by a user. If abuse is suspected, staff/volunteers should follow Fresh Film's Reporting Procedures (Section 8)
- Youth leaders/members, professional film companies, film practitioners, arts organisations and youth work organisations working for the benefit of young people are welcome to post content on Fresh Film third party sites. Content from other parties is considered on an individual basis and will be removed if not in keeping with Fresh Film ethos or if not of relevance to the interests of young people and/or theatre as an art form.
- Fresh Film does not require any users of third-party sites to disclose personal information.
- Fresh Film will promote safe use of social networking and other third-party sites among participants on its programme when drafting any group contract.
- In the case of a programme where use of social media is an aspect of the programme, as in the case of the Hothouse, staff will provide clear guidance to young people on safe use of the platform(s) in question.
- Use of images/video footage will be in line with Fresh Film policy
- In the case of Twitter, staff/volunteers should not re-tweet Fresh Film tweets,
    - Especially those from young people, via their own personal account.

6.4 Images/Video Footage

Fresh Film is conscious of the responsibility it has for ensuring any images/video footage of young people are

used in a safe and responsible manner that does not put any young person at risk. Photographs and visual images are regarded as personal data under the Data Protection Acts 1998/2003. Therefore, all images must be obtained fairly and used only for one or more specified legal purpose.
Fresh Film has adopted the following policy on use of images/footage, informed by the Arts Councils ***Guidelines for taking and using images of children and young people in the arts sector (2009)*:**

- Images/footage of young people will **only be recorded if there is a valid reason** relating to the Fresh Film programme.

- **Consent for the use of images/footage is sought** from young people participating on Fresh Film Festival events, and from the parents/guardians where a participant is under 18.

- **A refusal of permission will not restrict the participation** of a young person on a Fresh Film Festival programme.

- Any images taken with a Fresh Film mobile phone should be transferred to a Fresh Film computer as soon as possible and should not be retained on the mobile phone.

- Fresh Film will **only use images/footage for the reasons specified.**

- Care will be taken that young people whose images are captured are dressed in a way that is **appropriate to their age**.

- Every precaution will be taken to ensure **no image/footage used may expose any participant to embarrassment or distress**.

- Fresh Film only provides images/footage **to third parties when there is a legitimate reason for doing so** e.g. distributing images to the media when promoting IYFTY or in the case of an Fresh Film event being featured as part of a wider event as in the case of the international, Hothouse or showcase programme.

- Fresh Film will only identify/provide names of individual young people to third parties in a situation where they are being publicly acknowledged. **Parental consent will be sought before providing any details of a person aged under 18**.

- When using images/footage **Fresh Film will not provide information that could be used to make contact with a young person**.

- Images/footage will only be used in the context in which they were captured.

- While in the vast majority of cases images of groups will be used rather than images of individual participants there are exceptions e.g. if a participant's local newspaper was seeking an image of them for a feature. Another exception might be in the case where a publicity image is taken of an individual young person and it is agreed that this is the best way to represent a production or event. If the image of a single young person is used, Fresh Film will be especially careful that the image is appropriate, and that tight control is maintained over how the image is used and distributed.

- It is important that images are reflective of the diversity of young people participating on any Fresh Film programme.

- We will be particularly sensitive when using images of young people whom we are aware are particularly vulnerable.

- Any misuse of Fresh Film images/footage should be reported to the Fresh Film Manager or Designated Person. Fresh Film's PR images may not be used without expressed company consent.

- If any individual is unhappy with the manner an image/footage is obtained, used or retained by Fresh Film, they should follow Fresh Film's Complaints Procedure.

- While Fresh Film cannot completely control and regulate the taking of photos or video footage at its events by participants or members of the public, we request that any such images/footage are not made available in the public sphere, are used in a way that is appropriate and are kept within the context in which they were captured.

- It should be made clear to participants that there are situations when it is inappropriate to capture photos/footage of each other. It should be made clear to them that they need to think carefully before they post an image where it can be viewed by others and should not take images out of context. They should be made aware that there are unscrupulous individuals who might use images to identify young people and may seek to make contact with them.

- Staff/volunteers should be alert to the possibility of participants capturing and distributing images with a view to causing another young person embarrassment or upset. Participants should be informed that any such occurrence will be treated extremely seriously and will be treated as an instance of bullying.

Depending on the circumstances, it may be treated as a child protection issue and a report may be made to the statutory authorities.

6.5 Use of images / footage online.

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

- Fresh Film takes the following steps for the use of images/footage on the Internet: Particular care should be taken when posting such content on the Internet that it is appropriate, does not provide any information that could be used to contact or locate a young person and does not put a young person at risk in any other way.
- While it is impossible to completely control use of images once they are posted to the internet, Fresh Film requests that all users of its own website and any third party sites on which it has a presence adhere to the following, taken from Fresh Film's Acceptable Usage Policy:
    - Do not use any content including images from the site without receiving permission from Fresh Film.
    - Do not misuse or take out of context any content on the site including images or video footage.
    - Do not tag photos posted by Fresh Film.
    - Any comments added should be respectful.

6.6 ZOOM / MICROSOFT TEAMS / ONLINE MEETING PLATFORMS

Virtual meeting platforms must be treated as live spaces. This means that workshop rules apply and there must be a vetted adult accompanying leaders at the meetings. Participants should be advised if recording is taking place and if cameras are on, image consent forms are required. Online meeting platform contact must only be made to deliver projects and no one-to-one sessions may take place between a young person and leader/adult. Comments and breakout rooms must be monitored.

7. CHILD ABUSE – What is it? How do I recognise it?[4]

7.1 Reasonable grounds for concern

You should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. If you report a concern, you can be assured that your information will be carefully considered with any other information available and a child protection assessment will be carried out where sufficient risk is identified.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

The guiding principles on reporting child abuse or neglect may be summarised as follows:

1. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made
2. Reports of concerns should be made without delay to Tusla

If you think a child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí without delay.

7.2 Types of child abuse and how they may be recognised

This section outlines the principal types of child abuse and offers guidance on how to recognise such abuse.

The definitions of abuse have been taken from chapter 2 of Children First (2017) (pp. 7-12)

In the *Children First: National Guidance*, 'a child' means a person under the age of 18 years, excluding a person who is or has been married.

Types of child abuse and how they may be recognised

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children, and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

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[4] From Children First National Guidance 2017, Child Abuse: What Is It? How do I Recognise It? How do I Report It? CHAPTER 2 pp 7 - 13

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection

- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse. Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident

and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
  - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on lm, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
  - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology. Consensual sexual activity involving an adult and an underage person.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 2 of this *document*.

7.3 Circumstances, which may make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help you identify the range of issues in a child's life that may place them at

greater risk of abuse or neglect. **It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.**

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

Community factors:

- Cultural, ethnic, religious, or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
  - Female genital mutilation
  - Forced marriage
  - Honour-based violence
  - Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

7.4 Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare. Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

8. REPORTING A CONCERN ABOUT A CHILD[5]

8.1 Who to contact

You should always inform Tusla if you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. You can report your concern in person, by telephone or in writing — including by email — to the local social work duty service in the area where the child lives. You can find contact details for the Tusla social work teams on the Tusla website (www.tusla.ie).

If you are concerned about a child but unsure whether you should report it to Tusla, you may find it useful to contact Tusla to informally discuss your concern. This provides an opportunity to discuss the query in general and to decide whether a formal report of the concern to Tusla is appropriate at this stage. If the concern is below the threshold for reporting, Tusla may be able to provide advice in terms of keeping an eye on the child and other services that may be more suitable to meeting the needs of the child and/or family.

8.2 What information to include

To help Tusla staff assess your reasonable concern, they need as much information as possible. You should provide as much relevant information as you can about the child, his/her home circumstances and the grounds for concern. These could include:

- The child's name, address and age
- Names and addresses of parents or guardians
- Names, if known, of who is allegedly harming the child or not caring for them appropriately
- A detailed account of your grounds for concern (e.g. details of the allegation, dates of incidents, and description of injuries) Names of other children in the household
- Name of school the child attends
- Your name, contact details and relationship to the child

You should give as much information as possible to social workers at an early stage so that they can do a full check of their records. For instance, they can see if the child and/or a sibling have been the subject of a previous referral, or if an adult in the household had previous contact with the child protection services. It also helps social workers to prioritise cases for attention, as they are not in a position to respond immediately to all cases. However, they will always respond where a child is in immediate danger or at high risk of harm. It will also help Tusla to decide if another service would be more appropriate to help meet the needs of the child, i.e. a community or family support service rather than a social work service. (See APPENDIX 2 for the Tusla reporting form)

Can a report be made anonymously?

While it is possible to report a concern without giving your name, it may make it di cult for Tusla to assess your concern. All information that you provide will be dealt with in a professional manner. While Tusla cannot guarantee confidentiality, in general it will not reveal the names of members of the public who report suspected child abuse without their permission.
Remember, if you are a mandated person, you cannot submit a report of a mandated concern anonymously, as to do so will mean you are not complying with your obligations under the Act.

What happens after a report is received by Tusla?

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns.

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[5] From Children First National Guidance 2017, Child Abuse: What Is It? How do I Recognise It? How do I Report It? CHAPTER 2 pp 13 - 17

Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow.
If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential le where it will be examined if further concerns or more information comes to light.

If you make a report about a child, Tusla will normally acknowledge it, and may contact you for further information, if necessary. It is understandable that you would like to be assured that the matter is being followed up. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform you of the progress or outcome of Tusla's contact with the child or family, unless you are involved in discussions around family support or child protection plans. If you continue to have concerns about the child, or if additional information comes to light, you should contact Tusla.

8.3 Concerns about an adult who may pose a risk to children

While in most cases concerns for the welfare or safety of a child develop from your own observation or knowledge of the child or their family, sometimes concerns arise about whether an adult may pose a risk to children, even if there is no specific child named in relation to the concern. For example, based on known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. You should report any such reasonable concerns to Tusla, who will try to establish whether or not any child is currently at risk from the individual in question.

While Tusla will make every e ort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to you on the progress or outcome of the case. Tusla's examination can be greatly improved if the alleged victim feels able to cooperate with Tusla in its assessment or investigation.

8.4 Relevant legislation

There are a number of key pieces of legislation that relate to child welfare and protection. The information here gives a brief overview of relevant legislation. It is not intended as legal opinion or advice and, if in doubt, you should consult the original legislation.

CHILD CARE ACT 1991

This is the key piece of legislation, which regulates childcare policy in Ireland. Under this Act, Tulsa has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

THE PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

Makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla, the HSE or to any member of An Garda Síochána as long as the report is made in good faith and is not malicious. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report.

A person who makes a report in good faith and in the child's best interests may also be protected under

common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie).

CRIMINAL JUSTICE ACT 2006

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by: Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT 2012

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the Withholding legislation are **in addition** to any reporting requirements under the Children First Act 2015.

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACTS 2012–2016

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

CHILDREN FIRST ACT 2015

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

9. RESPONDING APPROPRIATELY TO A CHILD DISCLOSING ABUSE

All workers and volunteers (including students on placement or work experience) have a responsibility to safeguard children and young people and to report any concerns they may have for the protection or welfare of a child/young person.

Best practice in child safeguarding indicates that organisations working with children/young people or their families should appoint a DLP to be the resource person to any staff member or volunteer who has child protection concerns and to liaise with outside agencies.

The role of the DLP is to receive child protection and welfare concerns from workers/volunteers and to report concerns which meet the threshold of 'reasonable grounds for concern' to Tusla.

Under the Children First Act 2015 mandated persons have a statutory obligation to report concerns which reach or exceed a legally defined threshold (see section 14 of the Children First Act 2015) and to cooperate with Tusla in the assessment of mandated reports, where requested to do so

The DLP in Fresh Film is also the mandated person under the Children First Act 2015 (see Schedule 2 of the Children First Act 2015 for a list of classes of persons specified as mandated persons).[6]

In the event that over the course of your work with Fresh Film a child or young person makes a disclosure, you should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

- React calmly
- Listen carefully and attentively
- Take the child seriously
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret
- Ask questions for clarification only.
- Do not ask leading questions
- Check back with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser
- Ensure that the child understands the procedures that will follow
- Make a written record of the conversation as soon as possible, in as much detail as possible
- Treat the information confidentially, subject to the requirements of this *Policy* and legislation

9.1 Storing records

All records of incidents reported must be kept in a safe and confidential manner. They must be stored under lock and key and only Tusla, An Garda Siochana the **Mandated Person** or **Designated Liaison Person** should have access to them.

[6] Child Safeguarding: A Guide for Policy, Procedure and Practice, 2018 Tusla pp 24.

10. PROCEDURE FOR REPORTING CONCERNS

Protection for Persons Reporting Child Abuse: The protection for persons reporting Child Abuse Act 1998 provides immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of Health Boards or any member of an Garda Siochána, see 'Child Protection' (DES 2001, page 6).
Staff could have their suspicion raised in a number of ways, the most likely of which are:

- The conduct of a festival participant,
- A child "disclosing" abuse,
- Bruising or evidence of physical hurt; which may or may not be accompanied by;
- Unusual behaviour by a child.

- If a member of staff has such concerns they should be reported to the DLP using the form available for this purpose (Appendix 2) outlining the reasons for their concerns. Fresh Film's DCCP is Jayne Foley and she can be contacted on 061 319555.

- Concerns about a specific child should be reported immediately by telephone to the DLPP and confirmed in writing within 24 hours using the form available from the DLPP. Delay could prejudice the welfare of a child. If the concerns relate to the conduct of a member of staff these should be reported by phone to the DLPP at the earliest opportunity and followed up immediately by a written report.

- The DLP will consider the report and either refer this immediately to the authorities or, after taking appropriate advice (which may include discussing the circumstances on a confidential basis with the Health Board), decide not to refer the concerns to the authorities but keep a full record of the concerns. Or, after taking appropriate advice (which may include discussing the circumstances on a confidential basis with the Health Board), decide not to refer the concerns to the authorities but keep a full record of the concerns.

Emergencies/Outside Child and Family Agency Office Hours

If a person engaged by Fresh Film has a concern about a young person that they feel needs to be acted upon immediately, they should contact Fresh Film's DP without delay. The DP will then contact the Child and Family Agency, if outside Child and Family Agency office hours, the Gardaí. **If he/she cannot contact** Fresh Film's **DLP, they should contact Tusla or if appropriate the Gardaí themselves.** They should contact the DP as soon as possible to inform them of the situation and any action taken. Due to the possibility of persons other than the DP making a report, staff on Fresh Film events is provided with copies of the Child and Family Agency Reporting Form (**Appendix 2)**. Due to the possibility of someone other than the DLP making a report, all staff /volunteers need to familiarise themselves with the standard reporting procedure.
Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a heath professional or directly a social worker from Tusla.

- **Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Tusla intervention**. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with the Child and Family Agency, you should contact the Gardaí. This may be done through any Garda station. Fresh Film s local Garda station is **Henry Street. Phone: 061 212400.** If you do not have the number of a local Garda station, phone 999 or 112.

- The **Standard Report Form (Appendix 2)** should be used by **professionals, staff in organisations working with or in contact with children or providing services to children** when reporting child welfare and protection concerns to Tusla. If a report is made by telephone, this form should be completed and forwarded subsequently to Tusla.

11. PROCEDURES FOR DEALING WITH ALLEGATIONS AGAINST STAFF & PARTICIPANTS

Fresh Film recognises that where an allegation is made against staff, it has a dual responsibility in respect of both the young person and the staff member. As with all Child Protection concerns, the welfare of the young person is of paramount importance. At the same time, Fresh Film has a duty to ensure that any staff member is treated fairly.
As a matter of urgency, the organisation will take any necessary measure to ensure that no young person is exposed to unnecessary risk. There may be three strands in the consideration of an allegation:

- A Garda investigation of a possible criminal offence
- Investigation and assessment by the Child and Family Agency whether a child is at risk of/subject to abuse.
- Consideration by an employer of disciplinary action in respect of an incident.

11.1 Procedures

The chairperson/head of the organisation should be informed as soon as possible.

- Any action following an allegation of abuse against an employee should be taken in consultation with Health Service Executive and Gardaí;
- After consultation, the chairperson/head of organisation should advise the person accused and agreed procedures be followed.

Two separate procedures must be followed:

A. In respect of the child/young person Jayne Foley will deal with issues related to the child/young person.
B. In respect of the person against whom the allegation is made the Board of Directors will deal with issues related to the staff member.

- The first priority is to ensure that no child or young person is exposed to unnecessary risk. If allegations are made against the Designated Person, and then the Chairperson of the Board should be contacted.
- The reporting procedures as outlined in Section 7 should be followed.
- Both the primary carers and child/young person should be informed of actions planned and taken.
- The child/young person should be dealt with in an age appropriate manner.
- The Staff Member will be informed as soon as possible
  ° Of the nature of the allegation;
  ° The Staff Member should be given the opportunity to respond.

The Director / chairperson will liaise with An Garda Síochána and the Child and Family Agency agree the strategy for investigation and refer to matters such as the possible collusion of other members of staff. The Director will remain in contact with the statutory authorities throughout the period of the investigation. We have noted that the *Protections for Persons Reporting Child Abuse Act* (1998) applies to organisations, as well as individuals, provided they report the matter 'reasonably and in good faith'.

11.2 Procedure where a Complaint or Allegation involving abuse has been made against staff

- If an allegation is made against an employee, the matter should be reported to the Director immediately and without delay.
- The Director will assess the allegation promptly and carefully.
- Any action taken will be based on an opinion formed 'reasonably and in good faith'.
- The Director will contact the HR Sub-committee of the Board of Directors and they will decide whether a formal report should be made to the Child and Family Agency.
- The reasonable grounds for concern as detailed in the Child Protection and Dealing with Suspected

Abuse section of this document will be considered.

- The first priority should be to ensure that no child is exposed to unnecessary risk. Legal advice will be sought in relation to employment and contractual issues.

- Alongside the reporting of the allegation by the Director to the Child and Family Agency, the Designated person will follow the standard reporting procedure in respect of the young person.

- The Director will inform the employee/volunteer (in private and with due consideration of confidentiality and natural justice) that an allegation has been made and explain the nature of that allegation.

- The employee should be afforded the right to respond in accordance with established grievance procedure. The response should be noted and passed to the Child and Family Agency as part of the formal reporting procedure.
-
- The Director should also notify the Child and Family Agency and any other organisation working with children with which the alleged abuser is thought or known to be involved.

- If the allegation is against the Director, the allegation should be referred to the Chairperson of the Board/equivalent senior person.

- The parents/guardians of the young person will be informed immediately of the complaint against the employee/volunteer unless by doing so you endanger the young person. Advice should be taken from the statutory authorities as to how this might best be done. The Director and Designated Person will liaise on this.

- The Director will maintain a close liaison with the Statutory Authorities and manage the allegation in accordance with **Children First (2017):** *Employers or persons-in-charge should take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by the Child and Family Agency or An Garda Síochána.*

- After the consultations referred to above have taken place, and when pursuing the question of the future position of the employee, the Director should advise the employee of the situation and should follow the agreed disciplinary procedures outlined in the Staff Handbook.

- Fresh is aware that the person accused will need support pending an investigation. Fresh Film will identify how we can best do this in line with advice from the statutory authorities and our own legal advice while taking account of resource implications.

- Fresh Film will keep records of any allegations made, details of how the allegations were managed and details of any action taken, and decisions reached. These records must be stored confidentially, and a copy given to the individual concerned. In the case where an allegation has been determined to be unfounded/unproven and the person accused is innocent, consideration will be given to the most appropriate support the organisation can provide to the person concerned.

Volunteers/Short-term Contracted Staff

The same procedures will be followed should an allegation be made against a volunteer or an individual employed under a short-term contract for services. While some of the considerations that relate to employees such as Employment Law do not apply. Fresh Film is committed to treating any individual whose services it engages and against whom an allegation is made, according to the same principle as it would treat

employees i.e. in a manner that is fair, transparent and in accordance with 'Natural Justice'.

11.3 Procedure where an allegation is made against Another Young Person

If an allegation is made against another young person, it should be considered a child protection issue for both the young people involved and child protection procedures should be adhered to for both the victim and the alleged abuser. The parents/guardians of the young people concerned should be informed immediately. Advice should be taken from the Statutory Authorities as to how this might best be done. Decisions regarding the future participation in the youth organisation of the young person alleged to have committed abuse should be made at management level and with advice from an organisation/individual with expertise in the area.

11.4 Dealing with declaration to self-harm by a child or young person

Procedure for dealing with a disclosure of intent to harm themselves or others or to commit suicide. If a child or young person discloses and intent to harm others, themselves or to commit suicide. This must be treated as a credible and imminent threat to the welfare of the child or young person.

- Listen carefully. Do not make assumptions about the person making the disclosure.
- Do not make promises to keep the disclosure a secret
- Make a report (using the form in Appendix 1) covering all the factual details of the disclosure.
- Contact the DLP immediately and advise them of the concern.
- The DLP will contact the parent / carer /guardian to alert them and advise them to bring the child, young person to their GP.
- The DLP will make a report covering the steps taken in acting on the disclosure.
- The DLP will follow up with the parent / carer/guardian
- Fresh Film's confidentially policy applies to declarations to self-harm

12. RECRUITMENT AND SELECTION PROCEDURES

12.1 Recruitment

Fresh is committed to the appropriate recruitment and selection procedures for staff in the context of child protection and welfare and seek to recruit a team who are suited to working with our target age group. The recommendations of Children First National Guidance for the protection and Welfare of Children 2017 on have been adopted by the Fresh Film and include the following:

- Clear definition of the role to be performed by employees or volunteers
- A completed application form will be required
- Candidates will be required to sign a disclosure form
- Interview process
- Selection of candidates most suitable to the role
- A CV
- Candidates are required to have references who will be verbally confirmed
- No person who would be deemed to be a risk will be employed

(See also page 45 for more detail)

MOU and Special partnership

Fresh will on occasion and where it is appropriate to do so, arrange a MOU and partnership with equivalent organisations where a once off, low contact professional e.g. speaker or facilitator (nominated person) will undergo partner vetting. In this instance the partner vetted person must sign a disclosure and there must be a signed letter of partnership between Fresh and the partner organisation confirming that up-to-date vetting is in place for the nominated person.

Exclusions from working with Fresh Film would include

- Any child-related convictions;
- Refusal to sign application form and declaration form;
- Refusal to undergo vetting where it is required
- Insufficient documentary evidence of identification;
- Concealing information on one's suitability to working with children;

There will be a relevant probationary period;

All staff and volunteers with the responsibility to supervise or chaperone must have Garda clearance before they take up a position with Fresh Film. When at workshops, short term facilitators and speakers must be always accompanied by a vetted person.

Role descriptions and person specifications

Like paid staff, volunteers require a clear and accurate description of the tasks and responsibilities they are expected to undertake. The role description may be amended in joint agreement with the volunteer and the Manager. A copy of the final version must be given to the volunteer before commencing voluntary work, as it will be used in supervision and evaluation sessions.

Applications

Volunteers are recruited on a pro-active basis by the organisation using publicity avenues that are suitable for the roles that need to be filled. Potential volunteers may also apply speculatively. All volunteers are required to complete an application form and declaration.

Interviews

If necessary, applications are short-listed and suitable candidates are invited to attend an informal chat with the Manager, to ascertain their interest in and suitability for the role.

Checks for suitability

References are always taken up along with Garda Vetting and if the role requires it, health (mental and physical) is also undertaken. Other checks may also be completed (for example, ascertaining professional qualifications). Volunteers are always warned in advance of the intention to make these checks. If they refuse permission and cannot provide an acceptable reason, they will not be placed.

Probation

All placements are subject to an initial trial period of one month. At the end of this period, the Manager meets with the volunteer to discuss the volunteer's suitability for their role. At this point, volunteers may continue in their current role, be reassigned to a more suitable role, or be asked to leave.

Training

Induction

All volunteers receive induction when they begin voluntary work with the festival. This consists of a general introduction to the organisation, as well as a specific orientation on the purposes and requirements of their volunteering role.

On-the-job training

Volunteers receive initial and ongoing on-the-job training to provide them with the information and skills necessary to perform their tasks well. The training must be appropriate for the demands of the position and the capabilities of the volunteer.

Additional training

Volunteers are encouraged to identify opportunities for learning which would help them to perform their roles better and aid their personal development. Approval for such training must be given by the Manager.

Supervision

Lines of communication

Lines of communication should operate in both directions and should exist formally and informally. Volunteers must have access to all appropriate information, memos, materials and meetings relevant to their assignments. Volunteers must be consulted on all decisions that would substantially affect their volunteering conditions

Supervisors

Each volunteer must have a clearly identified supervisor who is responsible for the day-to-day management of that volunteer. The Manager normally takes on the supervisor's role, but all staff members receive guidance on how to involve volunteers effectively in the work of the organisation.

Supervision sessions

Volunteers receive appraisals of their work, based on their role descriptions. Evaluation sessions are between the volunteer and his or her supervisor. These review the performance of the volunteer, suggest any changes in work style, seek suggestions from the volunteer on means of enhancing the volunteer's relationship with Fresh Film, convey appreciation to the volunteer and ascertain the continued interest of the volunteer in serving in his or her role. The sessions also serve as an opportunity to plan future tasks.

Corrective action

If appropriate, corrective action may be taken following evaluation sessions. Examples include the organisation of training for an identified training need, the reassignment of a volunteer, or the dismissal of a volunteer.

Dismissal

Volunteers who do not adhere to the organisation's rules or who fail to perform their volunteer assignments satisfactorily may be subject to dismissal. No volunteers' involvement will be terminated in writing until the volunteer has had an opportunity to discuss the reasons for possible dismissal with their supervisor. Grounds for dismissal include, but are not limited to, the following: gross misconduct, being under the influence of drugs (including alcohol), theft, misuse of equipment and materials, abuse of participants and co-workers, breaches of confidentiality, failure to abide by Fresh Film's policies and procedures and failure to complete duties to a satisfactory standard.

Concerns and grievances

If volunteers are not satisfied that issues relating to their volunteering are being handled appropriately, they are entitled to have their concerns reviewed by the Artistic Director. The Director will discuss the issue as soon as practical after receiving a written complaint and take appropriate action and makes the ultimate decision.

Exit interviews

Where possible, informal exit interviews are held with any volunteers who are leaving the organisation, either because they have reached the end of their project or are leaving for some other reason. Interviews are usually conducted with the volunteer's ex-supervisor. The session should ascertain why the volunteer is leaving, how they found the volunteering experience and what suggestions they offer to improve the way the organisation operates. The offer of a personal reference for future employment etc. is made to each volunteer. If a written report is required for intern placements it will be completed at this time.

Support and recognition

Support

Fresh Film endeavours to provide the support necessary to encourage and empower volunteers to make a meaningful contribution and gain significant benefits from their voluntary work. Support forms part of the regular supervision sessions and gives volunteers a safe setting in which to express themselves, let off steam and discuss how they feel about volunteering. The manager will always try to be available to volunteers who require support in other areas that are affecting their performance.

Recognition

Volunteers and interns are an important element of the Fresh team, the benefits of which are difficult to quantify. It is essential that their efforts are recognised. Fresh Film is responsible for thanking all volunteers informally on a regular basis for the valuable contribution that they make to the organisation. The Manager is responsible for ensuring that more formalised recognition takes place at key times.

Expenses

Volunteers give their time and skills free of charge, so it is essential that the festival offers to reimburse any out-of-pocket expenses they may incur while undertaking voluntary work for the organisation. The costs of volunteering should never be allowed to discourage those on low incomes. Any travel outside of Limerick is to be covered by Fresh Film.

Insurance

Insurance is provided by Fresh Film to cover all volunteers working on behalf and at the direction of the organisation.

Feedback

Constructive feedback on this document is always welcome. It must be given to the Manager who will ensure

that it is considered fully.

12.2 Vetting[7]

Statutory obligations on employers in relation to Garda vetting requirements for persons responsible for children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016. Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with its provisions. Your organisation should ensure that it fully complies with all the requirements of this legislation.

The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work in a full-time, part-time, voluntary or student placement basis with children and/or vulnerable adults. The National Vetting Bureau does not decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation.

Fresh Film Garda Vetting Fresh Film batches applications for Garda vetting through an outside service, currently CREATE. All information provided for these applications as well as the information returned by the Garda Central Vetting Unit will be dealt with in accordance with our data protection and confidentiality policies. The disclosures will form part of the recruitment decisions. The festival director will deal with queries arising from vetting returns confidentially.

Garda Central Vetting Unit the Garda Central Vetting Unit (GCVU) provides vetting on behalf of organisations. The GCVU does not deal with individual requests for vetting. An individual must make a written application through Fresh Film to which their area of work is affiliated. The GCVU does not decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the GCVU releases criminal history information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment rest always with the recruiting organisation and the results of vetting should form only one component of the recruitment decision.

12.3 Management and Supervision of Staff

To protect both staff (paid and voluntary) and festival participants, we undertake that:

- A mandatory induction will be given to all new staff.
- Staff will be made aware of the code of conduct, protection and Welfare of Children and young people procedures
- Staff will be made aware of their point of contact, named person and DLP
- It will be mandatory for core staff to attend an awareness-training day on child protection and welfare provided by a recognized authority at the earliest availability and convenience.
- A senior member of staff will be available at any time to assist with any queries that the new staff may have in relation to this document and its implementation.
- Undergo a probationary, trial period or if contact is short term (a matter of hours) will be supervised.

All staff will:

- Receive an adequate level of supervision and review of their work practices.
- Read and sign the Child Protection Policy Statement.
- Be provided with child protection training (where appropriate).

Reporting Structures

[7] CHILDREN FIRST National Guidance for the Protection and Welfare of Children 2017, CHAPTER 4 pp 37 -3 8

The Manager and Artistic Director report directly to the Board,
Volunteers and short-term office staff report to the Manager,
Workshop facilitators and artistic staff report to the Artistic Director.

12.4 Selection and Support of Volunteers

Fresh Film is committed to providing a supportive and efficient service for volunteers and interns.
Fresh Film relies on volunteerism to manifest its programmes and to achieve its goals. We aim at a model of good practice in volunteer management. We aim to train, support and supervise our volunteers to the best of our abilities, and to act quickly and fairly if difficulties arise.

General principles (See Section 1)

These procedures apply to all non-elected volunteers who undertake tasks on behalf and at the direction of Fresh Film.

Responsibility

The Manager is responsible for ensuring that the policy and the procedures in this document are implemented efficiently and effectively. All other staff and volunteers (including voluntary management committee members) are expected to facilitate this process.

Eligibility

Fresh Film will consider involving anyone as a volunteer. Individuals must, however, be able to demonstrate a commitment to the aims of the organisation and may only be placed if their needs as volunteers match the needs of the organisation, furthermore volunteers may be subject to Garda Vetting. No person who has a conflict of interest with any aspect of the organisation will be accepted as a volunteer.

Relationship with paid staff (Where applicable)

Volunteers are appointed to enhance the capacity of paid staff, not as a substitute for them. Conversely, Fresh Film aims not to accept the services of its paid staff as volunteers. Clear roles are established to differentiate between paid staff and volunteers to foster mutually beneficial and complementary relationships.

Working conditions

Volunteers are treated as equally and fairly as paid staff and are included in the organisations, functions and decision-making processes wherever practical. Volunteers are provided with appropriate work sites and have access to the space, equipment and facilities necessary to volunteer effectively and comfortably.

Working times

Working times are negotiated between the Manager and the volunteer and are as flexible as the tasks allow. Voluntary time commitment is never expected to match that of full-time paid staff, but unscheduled absences can create organisational problems. When expecting to be absent, volunteers should inform their supervisor as soon as possible, so that alternative arrangements can be made.

Appropriate behaviour

Volunteers are expected to work within the policies and procedures as per Section 3.1 and adhere to its ethos. As representatives of the organisation, they are responsible for presenting a positive image of Fresh Film to the outside world.

Representation of Fresh Film

Volunteers must seek prior approval from the Manager before undertaking anything that might affect the organisation. This includes, but is not limited to, statements to the press, joint initiatives with other bodies, and agreements involving contractual or financial obligations.

Confidentiality

Fresh Film respects the volunteer's right to privacy and confidentiality. In turn, volunteers are responsible for maintaining the confidentiality of all privileged information to which they are exposed while volunteering with the festival.

Records

A system of records is maintained on all volunteers, including dates and times of service, duties performed, evaluation of work, etc. Volunteer records are accorded the same confidentiality as staff records.

Service at the discretion of Fresh Film

Any voluntary service is at the discretion of Fresh Film. The festival may, at any time, and for whatever reason, decide to terminate volunteer's relationships with the organisation. Similarly, volunteers may at any time, and for whatever reason, decide to terminate their relationships with the festival. Notice of such decisions should be communicated at the earliest opportunity, preferably in writing.

13. INVOLVEMENT OF PRIMARY CARERS

Fresh Film is committed to being transparent with primary carers.
Fresh will

- Endeavour to advise primary carers of our Welfare and Child Protection Policy. This is also free to download for any member of the public from our website www.freshfilmfestival.com
- Inform primary carers of any activity that their child may take part in;
- Communicate with primary carers;
- Comply with health and safety practices;
- Operate child-centred policies in accordance with best practice.
- Issue contact/consent forms (See APPENDIX 5 & 6) for any activity where the child may be involved in group workshops, trips away or any activity that involves the child or young person being photographed or recorded.
- Always ask the primary carer about any medical history that might affect or prevent the child or young person from taking part in an activity.
- Adhere to our recruitment guidelines (Section 12);
- Ensure as far as possible that activities are age-appropriate
- Inform leaders and carers about age – appropriate content at screenings. Particularly for young people's self-produced film, as it is not subject to classification.
- Issue medical / dietary need forms for any activity where staff are in a position of temporary carer.

If we have concerns about the welfare of a participant we will:

- Respond to the needs of the child or young person;
- Inform the primary carers where appropriate, on an on-going basis unless this action puts the child or young person at further risk;
- Where there are child protection and welfare concerns we are obliged to pass these on to DLP, Tusla and, in an emergency, the Gardaí;
- In the event of a complaint against a member of staff, we will immediately ensure the safety of the child/young person and inform primary carers as appropriate.
- As a child-centred organisation, we are committed to putting the interest of the members first. To that end we will:

    - Contact Tusla with the concern and the Gardaí for an urgent child protection /welfare concern;
    - Encourage primary carers to work in partnership with us under the guidelines set out by our organisation to ensure the safety of their children;

INFORMING PARENTS/PRIMARY CARERS AND CHILD PROTECTION:
Fresh Film adheres to the principles and procedures of *Children First: National Guidance for the Welfare and Protection of Children* (2017). The guidelines state.
The process for discussing a concern with parents/guardians before reporting and the circumstances in which this is not advised, as it may further endanger the child or the person making the report. You do not need to inform the family that a report is being made, if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out an assessment. Also, it is not necessary to inform the family if the person making the report reasonably believes it may place them at risk of harm from the family. [8]

[8] CHILDREN FIRST National Guidance for the Protection and Welfare of Children 2017, CHAPTER 5 pp 47

14. BULLYING

Fresh Film has a no-tolerance approach to bullying. As emphasised throughout this document, Fresh Film is committed to safeguarding the wellbeing of all young people who access its services. It is essential that young people feel safe and comfortable during any Fresh Film event or activity. Bullying can not only destroy a young person's experience of participation but also have an impact on their physical and psychological wellbeing. Fresh Film has a whole-organisation approach to the issue of bullying. Prevention of bullying is the role of everyone within the organisation from management to staff/volunteers to young people.
Anyone can be affected by bullying be they staff, management, volunteers, and young people. We also recognise that any of these individuals can also be a perpetrator of bullying.

Definition of bullying[9]

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare. Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion.

Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices. While bullying can happen to any child, some may be more vulnerable. These include children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBTQI+) children and those perceived to be LGBTQI+; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying of children can also be perpetrated by adults, including adults who are not related to the child. Bullying behaviour when perpetrated by adults, rather than children, could be regarded as physical or emotional abuse. However, other major forms of child abuse, such as neglect and sexual abuse, are not normally comprehended by the term 'bullying'.

In the first instance, it is the management team that is responsible for dealing with bullying. The team should exercise this responsibility by having regard to the existing advice

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

Types and Indicators of Bullying

[9] Children First National Guidelines, 2017. Child Abuse: What Is It? How do I Recognise It? How do I Report It? CHAPTER 2 pp12

Bullying may be direct or indirect. Direct bullying is where the behaviour is observable and bystanders are aware of it. Indirect bullying is less obvious and can include intimidation and deliberate isolation.

• **Verbal Bullying:** can leave children feeling angry, frightened and powerless. If children are unable to share their feelings with someone else, verbal bullying can leave them emotionally bruised and physically exhausted. Their powers of concentration can suffer, adversely affecting their capacity for learning. Verbal attacks can be of highly personal and sexual nature. They can be directed at the child's family, culture, race or religion. Malicious rumours are particularly insidious forms of verbal bullying.

• **Physical Bullying:** often written off as 'horseplay,' 'pretend' or 'just a game' when challenged. While young people can and do play roughly, in the case of bullying be aware that these 'games' can be a precursor to vicious physical assaults. Both boys and girls indulge in physical bullying, boys perhaps more so as they have a greater tendency towards physical aggression.

• **Gesture Bullying:** there are many different forms of non-verbal threatening gestures which can convey intimidatory and frightening messages, for example gesturing a gun to a head or gesturing slitting a throat.

• **Exclusion Bullying:** this is particularly hurtful because it isolates the child from his/her peer group and is very hard for the child to combat as it directly attacks their self-confidence and self-image.

• **Extortion Bullying:** younger children are particularly vulnerable to extortion bullying. Demands for money, possessions or equipment, lunch vouchers or food may be made, often accompanied by threats. Children may also be dared or forced to steal from the school, leaving them at the mercy of the bully and open to further intimidation.

• **Online / Cyber-Bullying:** cyber bullying has emerged amongst children, which utilises websites, social media, social and gaming platforms, emails and text messaging to abuse, intimidate and attack others, either directly or indirectly (for example rumour mongering).

When all staff and volunteers are being inducted, they will be made aware of Fresh Film's Anti-Bullying Policy and issued with the guidelines and procedures to follow should they suspect bullying is taking place.

Guidelines for dealing with bullying

For participants:

- If you are being bullied you can bring this issue to the attention of Jayne Foley, the Designated Liaison Person – 061 319555. If she are not immediately available bring the matter to the attention of the workshop facilitator or other responsible adult in attendance.
- Please remember that suspicions will be taken seriously, and you will be always treated with respect.

For Leaders and facilitators

- As with all aspects of Welfare avoid knee-jerk reactions and don't jump to conclusions. Try to establish as much fact as possible.
- You can adopt what is known as the 'No Blame Approach'. This is an approach that allows the group to think about the effect of bullying rather than focusing on blame and punishment.
- The greater emphasis should always be placed on promoting and rewarding positive behaviour rather than on the consequences for negative behaviour, however you may find yourself in a position where you have to bring some form of sanctions for bullying into play. If you decide to follow an approach that involves sanctions, make sure there is a clear written statement of the kind of sanctions the perpetrator of bullying can expect.
- Keep a record of all meetings, actions etc.

- It is advised that you inform the Manager who will contact and inform the primary carers of the target of bullying.
- Always remember you have a duty or care to the participant who is perpetrating the bullying too.
- Make sure to separate the behaviour from the young person who displays it e.g. don't call them a bully. Young people behave in this way for a reason and there may be a lot going on that you don't know about. Advice should be sought from the external welfare contact or an outside agency such as the Child and Family Agency, if there is reason to be concerned about a particular young person.
- There is less clarity regarding involving the parents of the perpetrator, as sometimes this young person may be experiencing difficulties at home anyway and there is a chance that informing the parents might put the young person at risk. It is advised that advice is sought from the external welfare contact on this also.
- As with all aspects of welfare/child protection, ensure that confidentiality guidelines are strictly followed. (Section 3)

14.1 Participants aged 18 and over.

From time to time opportunities arise that are appropriate for people who are over 18 years and in this event the code of behaviour for membership applies to all members regardless of whether they are over or under 18, this includes the rules around providing emergency contact details for parents/guardians, alcohol and sexual contact.

15. DEALING WITH CHALLENGING OR DISRUPTIVE BEHAVIOUR

Dealing with Challenging or Disruptive Behaviour
From time-to-time participants may exhibit signs of behaviour that are disruptive to the smooth, safe and effective running of activities, the enjoyment and rights of other participants and the fostering of a positive community spirit in Fresh Film. Examples could include not listening or frequently commenting during workshops, disregarding Health and Safety, to challenging language or physically aggressive behaviour and these may be exhibited towards other participants, facilitators, staff or volunteers.
It can be difficult to deal with a participant who is behaving in such a way that they are disrupting the work of the group and making other members frustrated and annoyed or even putting themselves or others in danger. It is important that leaders know how to react to such behaviour. The following procedure should be followed:

- If a participant persists to misbehave during a workshop or other activity, the facilitator should deal with the situation, in the room, as soon as it happens. Regardless of how frustrating the situation becomes; leaders should always follow the agreed **Code of Behaviour** and never use means such as physical punishment or verbal abuse.
- If the situation persists beyond an initial conversation the young person can be asked to sit out for a period of, or the remainder of the workshop.
- If the situation persists to the point that the facilitator has difficulty continuing with the activity with that participant present, they can ask them to Sit Out and they must inform The Manager or Supervisor that they have been asked to leave the event/ activity.
- The Manager or Supervisor can take this opportunity to discuss the behaviour with the member. They may prefer to just sit it out or they may to offer to discuss their behaviour.
- If the participant is ready to re- enter the workshop that can return to the workshop. They should check in with the facilitator and let them know that they are happy to return and ready to work.
- Once the workshop is over it would be a good idea to check in with the member in the presence of the facilitator. It is recommended that more than one leader be present when dealing with a disruptive participant.
- The facilitator should check in with the Manager at the end of the workshop or activity and let them know of any issues in during the session.
- A written record of any serious incidents of disruptive behaviour should be kept. Follow the Fresh Film procedures for reporting incidents see **Section 4. Confidentiality Reports and Recording Information.**
- This record should be given to the Designated Liaison Person. If there are a number of incidents, then the matter can be considered more serious.

Keep in mind that the young person is behaving this way for a reason and there may be other issues at play. They may disclose a concern or details of an incident to someone at the workshop or event. Treat them with sensitivity. Take any disclosure or concerns seriously and report to the Designated Liaison Person who should follow Fresh Film's internal reporting procedures if they have a serious concern about the young person's welfare.
It may be that the dealing with a particular young person is beyond the expertise of the leaders. It is important that leaders recognise their own limitations. Fresh Film may have to seek advice from a specialist organisation. They could seek advice for instance from the external welfare contact.

Possible ways of reacting to challenging or disruptive behaviour:
Follow through on agreed sanctions from the group contract. Some suggested sanctions:

- Taking a time out – this could be from a particular exercise or exercises, a workshop or event. The Manager, depending on the nature of the disruption, should set this.
- Find a way for the participant to make amends e.g. if they broke something to replace it or offering a

verbal or written apology.

- If their behaviour continues to be seriously disruptive, Fresh Film may have to consider suspension from a group or project. This would only happen after consultation between the Manager and Artistic Director
- Bullying, offensive, or abusive behaviour by a group or individual towards another **during a screening** will result in the offending party's film submission being disqualified from Ireland's Young Filmmaker of the year. In this case, the offending party must be advised that their behaviour will result in disqualification and be given the right of reply and any such action must be noted as per the reporting procedure.

Should disruptive behaviour happen on a trip away from home or should a participant need to be removed from the premises, the following procedures should take place.

- Follow the above procedure as needed.
- If the situation persists, the Chaperone should contact their parent/ primary carer to discuss the behaviour.
- Should someone need to be removed from a site, the participants parents/ primary carers should be informed. They must be informed of the situation and make arrangements for their child/ ward to be collected as soon as possible.
- Should a participant and or their primary carer exhibit any aggression towards a staff or volunteer, don't ignite the situation further. Allow them to leave as soon as possible but agree to get in touch soon.
- Following a cooling off period, the Manager should contact the participant's primary carer or parent to discuss the situation further.
- Further sanctions may be called for until the situation has been resolved to everyone's satisfaction.

Preventing Bullying

Fresh Film encourages openness among staff/volunteers/young people and fostering a culture of mutual respect and cooperation.

- A discussion around bullying takes place during induction.
- We will also draw attention to wider considerations such as attitudes towards each other and use of language.
- Staff are given a clear message about the importance of reporting bullying and details of how to report it.

How Fresh Film will deal with instances of bullying

While we have developed the following approach, we recognise that every instance of bullying will be different and have its own unique considerations. The overriding consideration in every instance will be protecting the well-being of the young person/young people involved.

Where there is a clear observable instance of bullying:

If a staff member/volunteer becomes aware of an instance of bullying they should act immediately. If they witness bullying themselves in a group situation, they should make a clear statement that the behaviour is not acceptable and make reference to the group contract and the discussion around bullying.

They should take a record of the incident and pass this onto the Designated Person as soon as possible.

- The Designated Person and staff member will meet with the young people involved to discuss the incident. Separate meetings will take place with both parties. The victim will be asked how they want to proceed but it should be made clear that it cannot be ignored. Depending on the severity of the incident, whether there is an acknowledgement that the behaviour is wrong with a commitment not to display the behaviour again, and the views of the victim, there may be no further action. The Designated person and the staff member who reported the incident originally

will continue to monitor the situation.

- In more serious incidents or where the same young person(s) display the behaviour again, the Designated Person will meet again with the young people involved to discuss the further incidents. The parents of all the young people involved will be informed.
- At this stage the agreed consequences/sanctions will be initiated
- If following the agreed sanctions, the behaviour, does not improve suspension or permanent exclusion from the project will be considered. This action will only be taken, as a last resort and full consideration will be given to the effect it may have on the perpetrator and the victim. It may be that it is felt appropriate to refer the young person to another agency with specific expertise. Any action will be discussed with the parents of the young person.
- The victim of the bullying will be supported throughout the process. The staff member in question and/or the Designated Person will continue to check in with them regularly. Advice may be sought from an organisation with specific expertise on how best to support them. It may be felt necessary to refer them to another organisation/agency.
- If a staff member has a suspicion that bullying is taking place, they should inform the Designated Person and discuss the reasons for the suspicion and the best way to proceed.
- Depending on the nature of the suspicion, the person who is the suspected victim of the bullying may be approached for an informal chat.
- If they confirm an instance of bullying, the procedure outlined above will be followed.
- If they do not confirm an instance of bullying or do not believe there is a problem, the staff member and Designated Person will continue to monitor the situation and may take the decision that there is a case of bullying. In which case they will talk to the victim again and then the perpetrator(s). From this point on they will carry out the procedure outlined under the previous section.
- A written record will be kept at each stage of the process.

If A Young Person is aware of bullying:

- If a young person is a victim of bullying or is aware that bullying is taking place, they can talk to any adult involved in a Fresh Film project, a member of the artistic team or the Designated Person.
- The staff member should be aware that how they react is important. They should be calm and measured in their reaction and reassure the young person that they have done the right thing in telling them about the situation.
- While they should ask the young person how they would like to proceed, the staff member should make it clear that if there is a case of bullying, Fresh Film cannot ignore it and will have to act.
- The staff member will discuss the situation with the Designated Person and they will decide the best way to proceed. Depending on the specific circumstances, it may be decided that a general group discussion and a reminder of the group contract is sufficient or it may be that the other procedures outlined above are followed.
- The identity of the young person, who has reported the situation, will not be shared with the group. The staff member/DP will continue to check-in with this young person. **Cyber-bullying** Fresh Film is aware of the prevalence of this form of bullying and the need to take action to prevent it. It has:
- Developed a **Communications with Young People Policy** that outlines how Fresh Film manages its presence on the Internet**. (See Section 6)**
- This policy outlines the measures Fresh Film takes to monitor and control its presence on interactive sites such as social networking platforms and the steps it takes to protect users and in particular young people.
- Fresh Film has developed a **Use Of Images policy** that describes how it gathers, uses and retains images of young people and this is in line with advised best practice**. (See 6.5).**

- Fresh Film makes a clear statement, in the two policies referenced above, that online bullying is not acceptable and will be dealt with very seriously. Any instance of bullying will be reported to those who run the site and, if appropriate, to the Gardaí.
- Participants on its programmes are made aware of the serious nature of cyber bullying and its potential consequences.
- Fresh Film is aware that there is legislation in Ireland that has relevance to misuse of the Internet such as the Criminal Law (Sexual Offences) (Amendment) Act 2007, the Non-Fatal Offences Against the Person Act (1997) and the Child Trafficking and Pornography Act 1998. **Serious instances of bullying** In ***Children First*** (2011), bullying is listed as a consideration under the section on Peer Abuse. It also recognises the possibility of bullying by an adult: *Bullying of children can also be perpetrated by adults, including adults who are not related to the child. Bullying behaviour when perpetrated by adults, rather than children, could be regarded as physical or emotional abuse. However, other major forms of child abuse, such as neglect and sexual abuse, are not normally comprehended by the term 'bullying'.* While any instance of bullying should be taken seriously, **Children First (2017)** is clear that more severe instances of bullying should be reported to the Child and Family Agency. If any staff member has a serious concern about the welfare of a young person, they should follow the Internal Reporting Procedures.

16. POLICY FOR OFFSITE PRODUCTION WORKSHOPS / SHOOTS

On film shoots the provisions of the Welfare and Child Protection policy apply, in addition there are issues relating to the needs of a filming location that must be considered**. The Health and Welfare form** (Appendix 7) must be completed by all participants in advance of taking part in a workshop or shoot. The **Risk Assessment form** (Appendix 9) must be completed by the workshop leaders prior to commencing the programme. The **COVID** form must be completed by participants and no one who is sick or with recent contact with a person with a positive result may participate.

Locations

It is Fresh Film's policy that all shoot locations are a safe place to work where any risks are assessed in advance and addressed before workshop participants arrive on site.

- Fresh Film must secure permission to shoot on all its locations in advance of the shoot.
- Locations ***must*** be scouted in advance and assessed in view of
    - Access
        - Access must be safe and appropriate for the leaders and individuals taking part
    - Safety of the space. The location must not be on a dangerous site and must not have
        - Exposed electrical cables;
        - Exposed and/or stored chemicals;
        - Areas that are dark and unlit (or these sections must be cordoned off and not used);
        - Unsafe or unstable walls, floors or roofs, (or these sections must be cordoned off and not used);
        - Locked or inaccessible fire exits;
        - Be submerged in part or have unguarded water access.
    - Safety of place of location. It is important to assess the wider area of the proposed location
        - The location must not be in the immediate vicinity of *untended* animals where a participant could come into contact with that animal.
        - If the location is in a community setting, local residents must be contacted in advance of the workshop / shoot to communicate about the proposed shoot and address any potential risks.
        - If the location is on a heritage or historical site or ruin, managers of that site must be contacted in advance of the shoot in order to address any potential risks.
    - Facilities. The following elements must be available on or within 150 meters of the location
        - Toilets
        - Running water / anti-bacterial wipes / hand sanitiser
        - Phone signal
        - A main road
        - Transport
        - A First Aid Kit
        - Shelter
        - Heat and Light – in the event that the event is taking place during the winter or at night or where a performer must wear light clothes that are not appropriate to the weather.
        - Security – In the event that there is restricted access or potential risks arising from the location.

Welfare on off-site locations

As a matter of policy parents and guardians must know the location and the time when the shoot is taking place and they must have a contact name and number for the workshop leader or welfare leader on duty. The Health and Welfare form (appendix 7) will require an emergency contact person and details and this form will need to be completed before the participant joins the workshop.

Food and Water.

- Drinking water and light snacks should be available at all locations. Snacks should be in sealed packs
- Arrangements for lunch / dinner must be made with all the participants in advance of the shoot and this must be communicated clearly with participants and their guardians.
- Allergies and special dietary requirements must be discussed with participants and their guardians in advance of the shoot.
- Medication and delivery of emergency medication. The Health and Welfare form (appendix 7) should be completed in advance of the shoot and should include disclosures of special medical / health needs. The participants and their guardians are responsible for this disclosure and must bring any necessary medication with them and must inform the leader how to administer any emergency medication (e.g. EpiPen). Adverse side effects of medication such as drowsiness must be communicated to the team.

Insurance.

In all cases offsite* (*sites that are not designated arts centres, classrooms or studios) locations must be signed off **10 days in advance** of the shoot so that there is adequate time to secure the correct insurance. It is advisable to have a second location arranged.

Shoot safety

- During the pre-shoot and shoot all leaders and participants must not consume or be under the influence of alcohol or non-prescription drugs. There is no smoking or vaping on shoots.
- In advance of going to the location, all participants must be informed of the safety guidelines and know what to do and who they need to contact in the event of an accident or emergency. Nominate and communicate a muster point for the participants and crew.
- Equipment must be in good working order and fit for the purpose for which it is being used
- Electrical and technical devices must be safe to use and without modifications that would expose wires or risk their safe use.
- Leaders must be able to operate any equipment that is used on a shoot and must have adequate training to use specialist equipment. No participant may use specialist equipment without necessary supervision, guidance and training.
- Drones must be in full working order and charged properly before being flown. They must be operated within security, privacy and legal regulations.
- Lighting equipment must be properly secured when in use and all participants made aware of the danger of burns and trip hazard of their stands. It is the workshop leader's responsibility to make sure that this is done.
- Cables should be properly secured with a mat and any hazards identified to all participants. It is the workshop leader's responsibility to make sure that this is done.
- In case of fire or flood– evacuate the space, go to a muster point, and inform the leader.
- Footwear and clothing must be appropriate to the location and to the weather during the shoot. Umbrellas to be made available for shoots in the rain. Crew must wear high visibility vests during the shoot.
- Any participant behaving in a manner that puts themselves or other participants at risk will be
    1. Made aware of their risky behaviour and the consequences of continuing that behaviour
    2. Given an opportunity to change their risky behaviour
    3. If they do not cease the risky behaviour, asked to leave the shoot.

4. Parents/ guardians called to collect the participant

Anyone who notices a breach of safety must inform the leader immediately and where the breach involves, electricity, fire, water, broken glass or security must not attempt to solve the problem himself or herself.

17. COMPLAINTS PROCEDURE

In the event of complaints or comments:

Complaints can be emailed to info@freshfilm.ie or by phone call to 061 319555 or sent to Fresh Film, 1 John's Square, Limerick.

- Complaints may be made in written, electronic or verbal form
- Verbal complaints will be logged and responded to.
- Complaints or comments will be responded to within 2 weeks,
- The Manager has responsibility for directing complaints/comments to the appropriate person. In the event that the complaint is with the Manager, complaints may be directed to the Artistic Director. If the complaint relates to the Festival Director the Chairperson of the Board will deal with the complaint.
- If the complainant persists in pursuing their complaint further, then it is the responsibility of the Board of directors to decide on further action.

SAFE MANAGEMENT OF ACTIVITIES

Part of keeping children and young people safe and reducing the likelihood of harm is having clear guidelines in place regarding how activities are organised and run. The following sections outline some of the issues you should consider when planning and running activities to minimise opportunities for accidents or harm to children/young people while in your organisation.

Keeping a register of children and young people partcipating in activies

- Fresh Film is for young people interested in film and young filmmakers aged 7 -19
- There is a registration system for each child/young person who takes part in activities;
- In line with GDPR Fresh Film record on each child/young person, including address and family contact numbers;
- In line with GDPR Fresh Film keeps medical details, any individual needs and emergency contact telephone numbers accessible for the duration of the activity.

Remember Importance of record-keeping Where there is an accident or incident that leads to a review of Fresh Film's procedures and practice by an external authority, one of the first pieces of information they are likely to scrutinise is the integrity of Fresh Film's registration system.

Guardianship

"*Guardianship means the rights and duties of parents in respect of the upbringing of their children. A guardian has the right to make all major decisions affecting the child's upbringing, including choice of school, medical treatment, religious matters, health requirements and decisions about leaving the country. Guardians are responsible for the welfare of the child. Welfare includes the moral, intellectual and physical wellbeing of the child and where there is property held on behalf of the child, it includes the proper administration of such property*" (Court Service of Ireland).

Who is a guardian? Married parents of a child are 'joint guardians' and have equal rights in relation to the child. The rights of parents to guardianship are set down in Section 6 of the Guardianship of Infants Act 1964. On 18th January 2016 certain provisions of the Children and Family Relationships Act 2015 came into effect that made a number of changes to the Guardianship of Infants Act 1964. If a child is born outside of marriage, the mother is the sole guardian. The position of the unmarried father of the child is not so certain. An unmarried father will automatically be a guardian if he has lived with the child's mother for 12 consecutive months after 18th January 2016, including at least three months with the mother and child following the child's birth. Where the father does not meet these criteria he may still gain guardianship through entering into a formal agreement with the mother or by applying to the District Court. In situations where the father has been appointed joint guardian of a child, then his consent is required for certain things relating to the child's general welfare and other items.

Maintaining good record-keeping

Fresh Film will keep up-to-date records of the following:

- Attendance;
- Accidents (accident records should be reviewed regularly and any unusual patterns reported to senior management);
- Incidents & Near misses;
- Consent forms;
- Complaints or grievances.

+ HEALTH AND SAFETY RESPONSIBILITIES

Fresh Film ensures that:

- ☐ Any buildings being used are safe and meet required standards;
- ☐ There is sufficient heating and ventilation;
- ☐ Food preparation areas, where they exist, are sanitary and meet food safety requirements;
- ☐ Toilets and washing facilities are to standard and meet the accessibility requirements of all participants and staff/volunteers;
- ☐ Fire precautions are in place;
- ☐ First aid facilities and equipment are adequate;
- ☐ There is access to a phone;
- ☐ Equipment is checked regularly;
- ☐ Insurance cover is adequate.

Accidents and incidents

There are a number of related policy areas which impact on the overall safety and wellbeing of children and young people in organisations. Fresh Film must meet its obligation in relation to the Safety, Health and Welfare at Work Act 2005. Accidents and incidents procedures help to ensure an appropriate, open response when something occurs.

Before engaging in or offering an activity Fresh Film must ensures that:

- ☐ Activities being undertaken are suitable for the abilities, ages and experience levels of all participants.
- ☐ Equipment and facilities meet appropriate safety and quality standards and are appropriate to the needs of the participants.
- ☐ Activities are risk assessed and that appropriate responses to identified risks are planned and implemented.
- ☐ Where protective equipment is deemed necessary, it should be used.
- ☐ Injuries should be recorded with a note of the action taken. Fresh Film maintains an accident/incident book with a specific incident form for completion by workers/volunteers. Due regard must be given to confidentiality
- ☐ Parents/guardians should be notified by the appropriate person of injuries/illnesses which occur while children/young people are participating in an activity.
- ☐ Insurance cover is adequate to the organisation's needs.

Recording accidents and incidents There should be appropriate recording mechanisms in place to detail any accidents or incidents which may occur. In differentiating between the two it is useful to note that an incident does not usually involve any casualty or the loss of life, a near miss is where there was a risk of injury but where no injury occurred, while an accident will involve some form of injury. Incidents and near misses should be recorded separately from accidents as they may need to be referred to when considering suspected child abuse or neglect.

Safe supervision of children and young people

Children/young people are less likely to experience accidents or incidents if they are supervised properly. Activities should be organised to maximise participation, fun and learning in a way that minimises risk. Ensure that:

- ⇒ A work schedule is displayed so that everyone knows who is on duty or volunteering in an activity;
- ⇒ Children/young people are not left unattended;
- ⇒ Adequate numbers of workers/volunteers are available to supervise the activities (best practice would indicate that there are male and female workers/volunteers present to supervise coeducational activities);
- ⇒ Workers/volunteers know at all times where children/young people are and what they are doing;
- ⇒ Online activities are age appropriate and monitored with online chaperones;
- ⇒ Any activity using potentially dangerous equipment has constant adult supervision;
- ⇒ Dangerous behaviour is never allowed.

Code of behaviour for children and young people It is good practice to involve children and young people in developing a code of behaviour for themselves. A code of behaviour for children/young people helps to explain their rights and responsibilities when taking part in an organisation's activities. This ' our rules of engagement' agreement can form part of the introductory phase of the activity.

Adult-child ratios

Adult-child ratios are as follows

During festival screenings, Fresh provides a check in and Front of House team, teachers and leaders must remain with their group during screenings.

For workshops and productions Fresh Film has a minimum of two adults present for activities, a supervisor and at least one facilitator, teachers and leaders must remain with class groups for the duration of in-class workshops. Ratios - For groups aged 9 – 12 it is 1:8, for groups aged 13-18 it is 1:10. For class groups it is 1:28.

A vetted support person must accompany all workshop groups.

Using external facilities

There will be occasions when two or more organisations come together to collaborate or work in partnership. This may take many forms including:

- Work on a one-off basis around a particular event, project or initiative;
- Work on a medium to long term basis;
- Accessing the services of workers/volunteers from another organisation;
- Use or rental of premises.

When using facilities or services provided by another organisation Fresh Film's reporting procedures for child protection or welfare concerns will be followed. The host venue's first aid and fire safety procedures will be applied.
Everyone involved should be aware of their roles and responsibilities in relation to the safety and wellbeing of children and young people and of any changes to their usual practice as a result of partnership working.

Remember Organisations working in partnership
When organisations are working together there is a risk that workers/volunteers may be confused about to whom they should report incidents or suspected child protection or welfare concerns. There is also a risk of confusion about who is responsible for passing on such concerns to the statutory authorities. Where organisations are collaborating and/or sharing facilities it is essential that there is clarity on the reporting procedure to be followed in cases of incidents or suspected child protection or welfare concerns. If unsure about Fresh Film's responsiblities contact Fresh Film's manager info@freshfilm.ie

+ ONLINE SAFETY (Including photography, video and/or social/digital media)

Mobile phones, social networking sites and the internet are great tools to help Fresh Film to communicate with children and young people. Taking pictures and video footage and transmitting these to friends and family members has become a feature of everyday life. Social media sites are commonly used to display images and videos and provide personal information. Children and young people are often confident and competent users of new technologies and will often have online access through their own mobiles, gaming consoles and other devices. They may be less aware of safeguarding risks and that if used inappropriately digital technologies may lead to abuse, both online and offline. Information and communication technology (ICT) forms an important platform for communication which is commonly used by adults and children/ young people alike. It is important, when working with children and young people, to ensure that the use of digital media and ICT is consensual, ethical and not misused to cause harm to an individual.
Fresh Film is obliged to ensure that procedures are in place to manage ICT risks.

Managing online safety

In developing a procedure for managing online safety Fresh Film considers:

- How children access the internet while with Fresh Film?
  - When is it only through devices provided by the organisation?
  - When Is it through their own devices e.g. smartphones?

Fresh Film has

- Developed a Code of Behaviour for online safety for workers and volunteers.
- Developed a Code of Behaviour for online safety for children and young people.
- Given information / training about online access including the dangers associated with same.

The policy and procedures for managing online safety are communicated to workers/volunteers during induction and to children & young people as part of their introduction.

Fresh Film

- Ensures workers/volunteers, parents and children and young people agree to and sign up to your code of behaviour.
- Obtainsinformed consent for filming/taking of photographs through the bolo forms.
- As part if its CPW policy and induction training guidence is given on the use of the organisation's information, including information about children, on social media sites which includes:
  - o Expectations around the conduct of staff and service users' use of social media sites
  - o Use of mobile phones, i.e. calling, photographing, filming, texting while in Fresh FIlm;
  - o Use of Fresh Film's I.T. devices.

Remember Protecting children in the care of the State
Children and young people in the care of the State cannot be included in photographs or video footage recorded for publicity purposes by an organisation without the express permissions of Tusla and the court or their birth parents.

Security

- Fresh Film sets has enhanced protection on chrome.
- Supervising children and young people's online access.
- Management of the organisation's social media profiles (Facebook/ Instagram/ Snapchat, etc.). Responding and Reporting
- Ensures that any complaints regarding online issues are responded to
- Reports breaches appropriately (internally and externally)

+ MANAGING TRIPS AWAY

When our activities involve use of off-site facilities or staying away from home overnight, consideration will be given to the following:

- ☐ Safe methods of transport;
- ☐ Adequate insurance to cover all aspects of the trip;
- ☐ Written parental consent (for each individual trip);
- ☐ Information about the children/young people which may be relevant to staying away overnight, e.g. allergies, medical problems, additional needs, etc.;
- ☐ Number of workers/volunteers required to adequately supervise children/young people at all times; • Appropriate and well supervised sleeping arrangements;
- ☐ Respect for the privacy of children and young people in dormitories, changing rooms, showers and toilets.

Workers/volunteers who are organising residential/day trips away for children/young people. Planning and documentation need to

- ☐ Ensure permission forms are signed and received from parents/guardians prior to departure.
- ☐ Ensure that all necessary medical forms are filled out detailing medical conditions, allergies and/or procedures that may need to be looked after during the trip.
- ☐ Ensure that emergency contact phone numbers for parents/guardians are documented and available at all times.
- ☐ Ensure they have the contact details of senior management and the DLP with them while on the trip.

Fresh Film will

- ☐ Ensure that we have adequate insurance cover for the trips and activities involved.
- ☐ Ensure that the selection process for choosing the children/young people for the trip is fair and transparent.
- ☐ Follow proper recruitment procedures when selecting workers/volunteers to go on the trip, allowing enough time for Garda vetting, police checks and reference checks which may be outside Irish jurisdiction.
- ☐ Ensure that all workers/volunteers have received adequate child safeguarding training and are aware of the organisation's guiding principles and child safeguarding procedures.
- ☐ Ensure that workers/volunteers are given clear roles and responsibilities for the trip as part of the pre travel briefing.

- ☐ There should be one person appointed as the overall leader of the group who will have final decision making authority during the trip.
- ☐ Ensure that a risk assessment has been conducted in line with Fresh Film's policy and that this has considered safety from harm in online activities.

Accommodation

- ☐ In the planning stage Fresh Film will check the proposed sleeping arrangements for participants, employees/volunteers and other support personnel.
- ☐ Check health and safety issues relating to the accommodation such as emergency evacuation for upstairs rooms, accessibility of rooms and corridors for mobility of the participants.
- ☐ Ensure that single-gender dormitories/rooms are used for children/young people.
- ☐ Ensure that only children/young people of similar age share sleeping accommodation
- ☐ Ensure all workers/volunteers have a list of all the children/young people's accommodation allocation.
- ☐ Adults should never enter children's/young people's rooms without knocking first.

Preparing participants and programme

- ☐ Prepare an information pack for participants including the programme of activities, emergency information if necessary and a 'help me' card, particularly for foreign trips.
- ☐ children/young people are involved in every aspect of the process. This is an ideal opportunity for them to share the responsibility for the trip/activities that take place.
- ☐ As part of the preparation for travel participants sign an agreement including codes of conduct.
- ☐ The chaperone is the group leader; they have various responsibilities including making a report following the trip and must sign an aggrement that includes these responsibilites.
- ☐ There is plan for communication with parents/guardians and participants to inform them of travel and accommodation details, activities, special requirements, medical requirements, special dietary needs and any other necessary details. This includes pre- travel meetings and written correspondence.

Emergency procedures

- ☐ Fresh Film has clear emergency procedures including COVID protocalls should you need to curtail your trip; have an emergency fund and know where the children/young people, workers and volunteers are at all times.
- ☐ Children/young people should be under reasonable supervision at all times and should never leave the venue or go unsupervised without prior permission.

- ☐ Fresh Film has a back-up plan if the programme changes for any reason.
- ☐ Bring a medical/first aid kit with you.
- ☐ Workers/volunteers should ensure they have the contact details of senior management and the DLP with them while on the trip.
- ☐ For foreign trips, in particular, the Fresh Film chaperone will be onsite and able to respond to emergencies if they occur at any time of the day or night. This may involve liaising with parents/guardians in difficult situations that can be hard to do over the phone.
  The line manager responsible for the trip or activity will also have the full contact details of the group and the full itinerary for the trip and will support the chaperone in managing communication with parents and guardians in Ireland.

Monitoring and evaluation

All activities including foreign travel are subject to a post-event debrief with the Artistic Director which includes monitoring and evaluation each of the following are addressed:

- Systems for monitoring and evaluation are developed prior to the trip and agreed among the team.
- Monitoring and evaluation is carried out with the participants, employees and volunteers.
- There should be daily evaluations with the participants, employees and volunteers as part of 'Check in' routines with participants.
- The debrief is a full and final evaluation which should be a real exercise to learn from. Review the risk assessment from the planning process to see if there are any areas that need to be addressed.
- Make sure there is a system for keeping records and reports during the trip.

HEALTH & SAFETY

1. ACCIDENTS POLICY & PROCEDURE

Policy:

- A designated health and safety officer will be identified.
- They must have health and safety training.
- The location of a first aid box must be made known to all staff.
- If a child has suffered a serious accident they will be taken immediately into the nearest hospital and their primary carer notified.
- In the instance of a minor injury, the health and safety officer will assess the situation and treatment will be given accordingly.
- The primary carer will be made aware of the incident.
- Fresh Film keeps an incident report book, the whereabouts of which is made known to all members of staff who are shown the procedure for filing a report.
- External organisations with which the Fresh Film has dealings must provide proof that they have public liability insurance.
- This policy contains an abridged version of the Health and Safety guidelines. All volunteers and employees must read and sign the Safety Statement before working with Fresh Film
- Fresh Film has public liability insurance for permanent or temporary members of staff. As developed and regularly reviewed by the Management of Fresh Film CLG.

2. KEY HEALTH AND SAFETY GUIDELINES

Employees / Volunteers / Interns/ Work experience students / Leaders must:

1. Co-operate with the company in maintaining a safe workplace.
2. Report any potential hazards to management and not work in any hazardous conditions should they; in the employee's opinion exist.
3. Be aware of the nearest emergency exists and first aid equipment.
4. Report any health and safety related incidents to the safety officer in a timely manner.
5. Never interfere with or misuse anything provided by the company in the interests of Health & Safety.
6. Read the company Health & Safety statement and obey all mandatory signs.
7. Not partake in any form of horseplay or prank likely to lead to injury to you or others.
8. Be aware of, respect and uphold the fire, health and safety procedures as outlined in any venues hosting events for The Fresh Film.
9. Employees to Inform the Manager of their special requirements so that the manager can provide for a safe workplace and set safe tasks

Smoking/Alcohol and Drugs:

It is not permissible to attend work under the influence of intoxicating liquor or drugs. The smoking of tobacco products is prohibited in the offices of The Fresh Film.
If you present for work under the influence of intoxicating liquor or drugs you will be asked to leave the workplace.
If a person who is under 18 presents to Fresh under the influence of intoxicating liquor or drugs a senior staff member will contact their parents or guardians to immediately collect from the workplace.

Reporting of Accidents:

Employees are required to report all accidents and near misses, whether resulting in injury or not, to management. Under the Safety, Health & Welfare at Work General Application Regulations 1993, employers must report certain occurrences to the Health & Safety Authority and ensure records are kept on site for a period of 10 years.
The following details are required:
Date, Time and Place of the incident.
Name, Address, Occupation and Age of the injured person.
Circumstances, including cause and nature of the injury
The arrangements made for treatment including a list of items used from the First Aid box.

Fire

All employees should be familiar with the exit routes from the office and should also know the location of extinguishers in the building and the muster points outside the building.

Venues

In the event of an emergency at any of the venues where Fresh is hosting an event, all Fresh Film employees **must follow the direction of in-house staff**. Fresh Film employees must not impede host venue staff from implementing their emergency procedures.
If in doubt about any aspect of the Health and Safety Guidelines just ask a senior member of staff

First Aid

Employees have an obligation to ensure that First Aid Boxes, like any safety equipment, are not tampered with. Free access to First Aid Boxes must be always maintained. Painkillers cannot be provided in the First Aid Boxes. If you need something from the First Aid kit you must make a note of the reason, i.e. the injury, and the items that you used from the kit. There will be a notebook in the kit for this purpose.
All employees should be familiar with the exit routes from the office and should also know the location of extinguishers in the building and the muster points outside the building.

3. COVID-19 GUIDELINES

Welfare support
The welfare support person will be responsible for observing and managing COVID -19 compliance during workshops and events.

Space
Spaces should be large enough to allow social distancing within a group, audience.
Under level 2 & 3 up to 13 young people and 2 leaders may be in a space at any one time.
Groups can be turned over, but the space must be ventilated and cleaned between the sessions and a minimum of 30 minutes must elapse between each session.

Participants must
- Complete a COVID form in advance of participating confirming contact details, health and non-contact status.
- Wear a mask properly during the session
- Avoid touching their face and their mask
- Avoid physical contact
- Not to touch another participant's materials, mask, food or supplies
- Agree to keep a designated safe distance from other participants
- Agree to follow the guidance of the COVID officer
- To clean their hands and use the hand sanitiser before and after the session and as needs be.
- To cough or sneeze into the crook of their arm
- Not to share objects eg: cups, bottles, pens
- Not to whistle, sing or play a wind instrument
- If a participant becomes unwell, they should leave the workshop/screening/event.

Participants must not gather or intermingle before or after a session.

Leaders and staff must
- Complete a COVID form in advance of participating confirming contact details, health and non-contact status.
- Wear a mask properly during the session
- Avoid touching their face and their mask
- Avoid physical contact
- Avoid contact with a participant's materials, mask, food or supplies
- Maintain a clean workspace
- Remind participants not to huddle or congregate
- Agree to keep a designated safe distance from participants
- Agree to follow the guidance of the COVID officer
- To clean their hands and use the hand sanitiser before and after the session and as needs be.
- To cough or sneeze into the crook of their arm
- Not to share objects eg: cups, bottles, pens
- Not to whistle, sing or play a wind instrument
- If a leader becomes unwell, they should advise the welfare support person and make arrangements to suspend the session.

Props
- Props and equipment must be quarantined in advance of the workshop and cleaned during the workshop/ shoot.
- Costumes may not be shared.

- High Viz vests must not be shared

Positive Contact

If a participant or leader becomes ill and is diagnosed as positive within 10 days of participating in a Fresh Film event, workshop or shoot they must contact and inform Fresh Film
Fresh Film must advise the event contact list of leaders and participants to isolate and seek a test.
Fresh Film must not share the name of the positive contact as this is a breech of GDPR

SIGNATURE FORM FOR WCPP & HEALTH & SAFETY

Once you have read the Welfare & Child Protection Policy & Health and Safety protocols please sign and date below.

1. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

2. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

3. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

4. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

5. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

6. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

7. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

8. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

9._____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

10. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

11. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

12.I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

13. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

14._____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

15. _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

16.I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

17._____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

18._____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

19.I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

20. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

21. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

22. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

23. I _____hereby confirm that I have read and understood Fresh Film's Child Protection Policy.
Signed:_____ Date:_____

_____

Attending a Briefing for under 18 years

1. For 18- years
I _____ hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

2. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

3. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

4. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

5. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

6. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

7. For 18- years
I _____hereby confirm that I have attended a child protection briefing and understood Fresh Film's Child Protection Policy.

Signed:_____ Date:_____

APPENDIX 1: FORM FRESH STANDARD REPORTING

This form is to be used if you have a concern arising from the issues outlined in this document - including a suspicion of bullying, safety, risk, accident or harm. If you are concerned about of have received a disclosure of abuse from a young person involved in the Fresh Film programme please use the TUSLA form (APPENDIX 2) .

Please complete carefully in legible handwriting, recording as much factual information as you can. This form should be returned to the Designated Liaison Person or Director of Fresh Film only. The information contained here should be treated as confidential and should be managed in line with Fresh Film Confidentiality Policy (See Section 2 of Fresh Film's Child Protection and Welfare Policy).

PAGE 1

Your Name:	
Your role with Fresh Film Festival:	
Your Contact Phone No:	
Name of Young Person	
Date when you had this concern	

.

PAGE 2 +

Nature of the concern (Please provide as much factual detail as possible. If the young person or someone else has made a disclosure of abuse/spoken to you about the concern, please try to record his/her own words as accurately as possible.)

Please continue on a separate page if necessary and number the page 2 +

Any other relevant information (e.g. are you aware of any other person who has a concern? have you observed anything relevant previously?)

Please continue on a separate sheet if necessary. Please number each page in order.

Signed _____ Date_____

APPENDIX 2: FORM TUSLA REPORTING

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.
Fields marked with an * are mandatory.

1. Tusla Area (this is where the child resides)*	

2. Date of Report*	

3. Details of Child

First Name*		**Surname***	
Male*	☐	**Female***	☐
Address*		**Date of Birth***	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see **'*Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns*' for additional assistance on the steps to consider in making a report to Tusla**

5. Type of Concern

Child Welfare Concern	☐		
Emotional Abuse	☐	**Physical Abuse**	☐
Neglect	☐	**Sexual Abuse**	☐

6. Details of Reporter

First Name		**Surname**	
Address If reporting in a professional capacity, please use your professional address		**Organisation**	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	

An Ghníomhaireacht um Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	☐	No	☐
Mandated Person's Type				

7. Details of Other Persons Where a Joint Report is Being Made

First Name		**Surname**	
Address If reporting in a professional capacity, please use your professional address		**Organisation**	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	

First Name		**Surname**	
Address If reporting in a professional capacity, please use your professional address		**Organisation**	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	☐	No	☐
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		**Surname**	
Address		**Mobile No.**	
		Telephone No.	
		Email Address	
Eircode			

Is the Mother a Legal Guardian?*	Yes	☐	No	☐

Details of Father			
First Name		**Surname**	
Address		**Mobile No.**	
		Telephone No.	
		Email Address	
Eircode			

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	☐	No	☐

10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		**Surname***	
Male*	☐	**Female***	☐
Address		**Date of Birth**	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	
Occupation		**Organisation**	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		**Surname***	
Male*	☐	**Female***	☐
Address		**Date of Birth**	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	
Occupation		**Organisation**	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.
Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by					
First Name		**Surname**		**Date**	

Mandated Report Acknowledgement by

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

First Name		**Surname**		**Date Sent**	

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	☐	No	☐
Allocated Case No				

APPENDIX 3: TYPES OF CHILD ABUSE AND HOW TO RECOGNISE THEM[10]

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision

[10] Children First National Guidelines, 2017. Child Abuse: What Is It? How do I Recognise It? How do I Report It? CHAPTER 2

appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:
- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse. Physical abuse can include the following:
- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning

- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
  - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on lm, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
  - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under

the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of this *document*.

Circumstances, which may make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. **It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.**

Parent or carer factors:
Drug and alcohol misuse
Addiction, including gambling
Mental health issues
Parental disability issues, including learning or intellectual disability
Conflictual relationships
Domestic violence
Adolescent parents

Child factors:
Age
Gender
Sexuality
Disability
Mental health issues, including self-harm and suicide
Communication difficulties
Trafficked/Exploited
Previous abuse
Young carer

Community factors:
Cultural, ethnic, religious or faith-based norms in the family or community, which may not meet the standards of child welfare or protection required in this jurisdiction
Culture-specific practices, including:

Female genital mutilation
Forced marriage
Honour-based violence
Radicalisation

Environmental factors:
Housing issues

Children who are out of home and not living with their parents, whether temporarily or permanently
Poverty/Begging
Bullying
Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:
Non-attendance at appointments
Lack of insight or understanding of how the child is being affected
Lack of understanding about what needs to happen to bring about change
Avoidance of contact and reluctance to work with services
Inability or unwillingness to comply with agreed plans You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

BULLYING

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare. Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name-calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices. While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

APPENDIX 4: RELEVANT LEGISLATION

SEXUAL OFFENCES AS SET OUT IN THE CHILDREN FIRST ACT 2015 [AS AMENDED BY SECTION 55 OF THE CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017][11]

Schedule 3 of the Children First Act 2015 sets out offences for the purposes of paragraph (a) of the definition of 'sexual abuse' in section 2 as:

1. Rape.
2. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
3. Sexual assault.
4. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
7. An offence under section 6(1) of the Criminal Law (Sexual offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).
8. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
9. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).

9A. An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).

10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
    section 3 (child trafficking and taking, etc., child for sexual exploitation);
    section 4 (allowing child to be used for child pornography);
    section 4A (organising etc. child prostitution or production of child pornography);
    section 5A (participation of child in pornographic performance).
11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person).
12. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
13. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
14. An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017:
    section 4 (invitation etc. to sexual touching);
    section 5 (sexual activity in the presence of child);
    section 6 (causing child to watch sexual activity);
    section 8 (use of information and communication technology to facilitate sexual exploitation of child).

[11] Children First National Guidance for the Protection and Welfare of Children 2017, Applendix 3, pp 59

RELEVANT LEGISLATION Contd. [12]

There are a number of pieces of legislation relevant to the safeguarding of children. The following indicative list is not intended to be comprehensive but rather to give a sense of the breadth and wide array of relevant legislation.

Child and Family Agency Act 2013
http://www.oireachtas.ie/documents/bills28/acts/2013/a4013.pdf
Child Care Act 1991
http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/print.html
Children Act 2001
http://www.irishstatutebook.ie/eli/2001/act/24/enacted/en/pdf
Children First Act 2015
http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf
Criminal justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012
http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/pdf
Criminal Justice Act 2006, Section 176: Reckless Endangerment of Children
http://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/pdf
Data Protection Acts 1988 and 2003
http://www.irishstatutebook.ie/eli/1988/act/25/enacted/en/html
http://www.irishstatutebook.ie/eli/2003/act/6/enacted/en/pdf
Domestic Violence Act 1996
http://www.irishstatutebook.ie/eli/1996/act/1/enacted/en/pdf
Education (Welfare) Act 2000
https://www.oireachtas.ie/documents/bills28/acts/2000/a2200.pdf
Education Act 1998
http://www.irishstatutebook.ie/eli/1998/act/51/enacted/en/pdf
Freedom of Information Act 2014
http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/pdf
National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2106
http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/pdf
Non-Fatal Offences against the Person Act 1997
http://www.irishstatutebook.ie/eli/1997/act/26/enacted/en/pdf
Protected Disclosures Act 2014
http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/pdf
Protections for Persons Reporting Child Abuse Act 1998
http://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/pdf

Children First Act 2015

Children First Act 2015 An Act for the purposes of making further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, of child safeguarding statements; to require certain persons to make reports to the Child and Family Agency in respect of children in certain circumstances; to require certain persons to assist the Child and Family Agency in certain circumstances; to provide for the establishment of the Children First InterDepartmental Implementation Group; to make provision for the preparation of sectoral implementation plans by Departments of State; to provide for the abolition of the common law defence of reasonable chastisement and, for that purpose, to amend the Non-Fatal Offences Against the Person Act 1997; and to provide for related matters

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12 From Children First *National Guidance for the Protection and Welfare of Children Appendix List from Child Safeguarding: A Guide for Policy, Procedure and Practice, TUSLA, 2018, pp 89,*

Children Act 2001

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute. The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

Child Care Act 1991

The purpose of the Child Care Act 1991 is to 'update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk'. The main provisions of the Act are:
(i) the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
(ii) the strengthening of the powers of the HSE to provide child care and family support services;(iii) the improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger;(iv) the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE;v) the introduction of arrangements for the supervision and inspection of pre-school services;(vi) the revision of provisions in relation to the registration and inspection of residential centres for children.

Criminal Justice Act 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children'. It states:
'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –
(a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or(b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.'
The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

Domestic Violence Act 1996

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

(i) Safety Order: This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.

(ii) Barring Order: This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person's circumstances with a view to:

22 **(i) Applying for a Care Order or a Supervision Order under the Child Care Act 1991;**
23 **(ii) Providing services or assistance for the dependent person's family; or**
24 **(iii) Taking any other action in respect of the dependent person.**

Protections for Persons Reporting Child Abuse Act 1998
This Act came into operation on 23 January 1999. The main provisions of the Act are:

6. (i) The provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Síochána;
7. (ii) The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
8. (iii) The creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence,

designed to protect innocent persons from malicious reports.

A wide range of nursing, medical, paramedical and other staff has been appointed as designated officers for the purposes of this Act (*see Appendix 10 of the Children First: National Guidance*). Section 6 of the Act is a saving provision, which specifies that the statutory immunity provided under the Act for persons reporting child abuse is additional to any defences already available under any other enactment or rule of law in force immediately before the passing of the Act.

Data Protection Acts 1988, 2003, 2018

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

Data Protection Act (2018)

An Act to establish a body to be known as An Coimisiún um Chosaint Sonraí or, in the English language, the Data Protection Commission; to give further effect to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[1] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); to give effect to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016[2] on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA; to give further effect to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data done at Strasbourg on the 28th day of January 1981 and for those and other purposes to amend the Data Protection Act 1988; to provide for the consequential amendment of certain other enactments; and to provide for related matters.

Education Act 1998

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

Education (Welfare) Act 2000

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

Non-Fatal Offences against the Person Act 1997

The two relevant provisions of this Act are:

- (i) it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;
- (ii) it describes circumstances in which the use of reasonable force may be justifiable.

Freedom of Information Acts 1997 and 2003

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

(i) to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it;
(ii) to enable persons to have corrected any personal information relating to them in the possession of such bodies;
(iii) to provide for independent review by an Information Commissioner both of decisions of such bodies relating to

that right and of the operation of the Acts generally;

(iv) to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

(i) right of access to this information, subject to certain conditions;

(ii) the right to correct this information if it is inaccurate.

Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the release of social work or medical records contains information that would be harmful to a person's well-being, the release may be made to a health professional who acts on the person's behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.

The exemptions and exclusions that are relevant to child protection include the following:

- (i) protecting records covered by legal professional privilege;
- (ii) protecting records that would facilitate the commission of a crime;
- (iii) protecting records that would reveal a confidential source of information.

APPENDIX 5: FORMS IMAGE CONSENT/ PARTICIPATION

FRESHFILM

Image Consent Form

2020/21

I [Name of Parent/guardian]_____of [Name of audience member/s or participant under 18]
_____ understand that participants may be filmed or photographed by Fresh Film during
[INSERT EVENT HERE]
I agree that the participant/s named above may be recorded visually (photographs/video) over the course of the event's activities and that images from the event may be used in Fresh Film publications, on the internet or other media. In line with Fresh Film's Welfare and Child Protection Policy, and GDPR policy which is available on www.freshfilmfestival.net, data protection and welfare will be respected at all times. Images will be transferred to and stored on the Fresh computer can be used to promote the work of Fresh Film only.

I understand that no child or young person will be excluded from participating in Fresh Film's activities on the basis of a guardian / parent withholding permission for their child or young person to be filmed or photographed.

I have read, understand and agree to the above regarding the use of images and recording and am competent to execute this agreement on behalf of the named participant/s.

Signature (Parent/Legal Guardian): _____ Date: _____

Name Parent / guardian [Block Capitals]: _____

Young Person's Assent

I agree that my image may be recorded over the course of my participation in a FreshFIlm event

Signed:_____Dated: _____

FRESHFILM

Participation Agreement & Use of images and recordings

[INSERT NAME OF PROGRAMME / WORKSHOP HERE]

This agreement is to ensure the safety of all participants in the [insert name of programme here]
(Note: Adapted from Arts Council YES document & NAYD Child Protection & Welfare resources)

Fresh Film Hothouse participants agree to:

General

- ✓ Be willing to engage with the programme of activities and make your own contributions to the event;
- ✓ Be alcohol free;
- ✓ Cooperate with health and safety requirements;
- ✓ Follow guidance and direction of Fresh Film chaperone, event organisers and facilitators;
- ✓ Be reliable, punctual and dependable during the event;
- ✓ Respect other's personal space and belongings;
- ✓ Agree to workshop rules including switching off mobile phones during workshops;
- ✓ Inform the chaperone if you are experiencing any difficulties during the workshop;

Medical or special

- ✓ Inform Fresh Film chaperone (NAME) of any special needs or requirements prior to attending; you can email her/him at info@freshfilmfestival.net
- ✓ Bring any necessary medication and inform the chaperone how to access medications in case of an emergency;

MY EMERGENCY CONTACT IS _____ MOBILE NUMBER_____

On Site

- ✓ Stay with your group during the day of the event;
- ✓ Inform the chaperone before you leave [NAME LOCATION HERE] and subsequent workshop sites.

Filming and Photography

- ✓ To respect the guidance of the mentor on rules for filming in public and private spaces;
- ✓ To not publicly identify other participants in your images or to publish images that may offend, embarrass or upset other participants.
- ✓ To share and post respectfully on the Hothouse Facebook page.

Use of Images and recordings

I agree that my participation in the event's activities can be recorded: Visually (photographs/video) Yes/No

I understand that images from the event may be used by Fresh Film, Arts Council publications, on the internet or other media in line with Fresh Film's Child Protection Policy available on www.freshfilmfestival.net. Data protection and child welfare will be respected at all times.

I (Insert name) _____ have read and agree to the Participation Agreement and use of images and recordings.

Signature: _____ Date: _____

If you are under 18 years of age this agreement also needs to be signed by your parent/legal guardian:

Signature: _____(Parent/Legal Guardian) Parent's name: _____ [Block Capitals]

APPENDIX 6: FORM HEALTH & WELFARE

freshfilmfestival

Encouraging young people to make films

Please complete this Health & Welfare form and return to info@freshfilmfestival.net by _____

Health & Welfare Form

Date and time:

Organisation name: Fresh Film Festival

1. **Participant Details**

Name: _____ Age*: _____ Male ☐ Female ☐

Mobile phone: _____ Email: _____

Emergency Contact Name: _____

Emergency Contact number: _____ Mobile: _____

***(Participants who are under 18 years of age must have the consent of a parent or guardian to participate in this event, ref page 3 of Participant Agreement and Consent Form).**

2. Dietary and other requirements

☐ Dietary requirements (please describe):

_____

☐ Allergies? (please describe):

_____

☐ Medical requirements? (please describe):

_____

☐ Currently on medication? (please state what):

_____

APPENDIX 7: FORM HEALTH & SAFETY INDUCTION

TYPICAL INDUCTION TOPICS				
	TO FAMILIARISE EMPLOYEES WITH THE HEALTH AND SAFETY RULES AND PROCEDURES BEFORE THEY START WORK.			
No	RECOMMENDED TOPICS TO BE DISCUSSED	YES	NO	N/A
1	*The qualifications and experience of workers to be inducted have been checked (where required)*			
2	*Employees have been briefed on equipment in the workplace*			
3	*PPE is available and worn as required:* ○ *Safety glasses* ○ *Safety footwear* ○ *High-visibility clothing* ○ *Ear protection* ○ *Other.....*			
4	*Emergency procedures and location of:* ○ ☐*Assembly point and evacuation route* ○ *Closest medical facility* ○ *Contact details of emergency services* ○ ☐*Provisions for emergency communications*			
5	○ *The location of the first-aid facilities/kits* ○ *Names of the first aiders and where to obtain treatment*			
6	*Location of firefighting equipment, e.g. fire extinguishers and hose reels*			
7	*Names and contact details of the Health and Safety representative(s)*			
8	*Names and contact details of the Health and Safety representative(s)*			
9	*Accident reporting procedures*			
10	*Question and answer session*			
NOTE: ENSURE TRAINING IS PROVIDED IN A FORM, MANNER AND LANGUAGE THAT IS REASONABLY LIKELY TO BE UNDERSTOOD BY THE EMPLOYEE				
PERSON RESPONSIBLE FOR CARRYING OUT INDUCTION TRAINING:				

APPENDIX 8: FORM SHOOT RISK ASSESSMENT

FRESH FILM CLG	**Risk Assessment Form – Part A**		
Division / Studio		**Department / Series**	
Business Unit / Production Address	1 John's Square, Limerick, Ireland	**Producer** Tel: Mobile:	
Period covered by assessment		**Version number**	
Outline of risk assessment *Summary of what is proposed*	This RA is to cover the filming activity of FRESH FLM FESTIVAL during the period set out above at the locations set out below		
Team members / experts / contractors / etc. *List those involved*	No of participants x FRESH FILM participants as Cast and Crew 1x External DOP 3x FRESH Tutors Other external cast members		
Locations *Outline locations involved – indicate any which are hostile environments*	1. 2.		
Assessor Name Signature		**Date completed**	
Authorised by Name (if not Assessor) Signature		**Date authorized**	

Hazard list – *select your hazards from the list below and use these to complete Part B*

Situational hazards	**Tick**	**Physical / chemical hazards**	**Tick**	**Health hazards**	**Tick**
Assault by person		Contact with cold liquid / vapour		Disease causative agent	
Attacked by animal		Contact with cold surface		Infection	
Breathing compressed gas		Contact with hot liquid / vapour		Lack of food / water	X
Cold environment	X	Contact with hot surface		Lack of oxygen	
Crush by load	X	Electric shock	X	Physical fatigue	X

Drowning		Explosive blast		Repetitive action	X
Entanglement in moving machinery		Explosive release of stored pressure		Static body posture	X
High atmospheric pressure		Fire	X	Stress	
Hot environment		Hazardous substance		Venom poisoning	
Intimidation		Ionizing radiation			
Manual handling	X	Laser light		**Environmental hazards**	
Object falling, moving or flying	X	Lightning strike		Litter	X
Obstruction / exposed feature		Noise	X	Nuisance noise / vibration	
Sharp object / material		Non-ionizing radiation		Physical damage	
Shot by firearm		Stroboscopic light		Waste substance released into air	
Slippery surface	X	Working in confined spaces	X	Waste substance released into soil / water	
Trap in moving machinery		Working at height		Lack of ventilation	
Trip hazard	X	**Managerial / Organisational hazards**			
Vehicle impact / collision	X	Multiple hazards			

Risk matrix – *use this to determine risk for each hazard i.e. 'how bad and how likely'*	**Likelihood of Harm**				
Severity of Harm	**Remote** *e.g. <1 in 1000 chance*	**Unlikely** *e.g. 1 in 200 chance*	**Possible** *e.g. 1 in 50 chance*	**Likely** *e.g. 1 in 10 chance*	**Probable** *e.g. >1 in 3 chance*
Negligible *e.g. small bruise*	**Very low**	**Very low**	**Very low**	**Low**	**Low**
Slight *e.g. small cut, deep bruise*	**Very low**	**Very low**	**Low**	**Low**	**Medium**
Moderate *e.g. deep cut, torn muscle*	**Very low**	**Low**	**Medium**	**Medium**	**High**
Severe *e.g. fracture, loss of consciousness*	**Low**	**Medium**	**High**	**High**	**Extremely high**
Very Severe *e.g. death, permanent disability*	**Low**	**Medium**	**High**	**Extremely high**	**Extremely high**

FRESH FILM CLG	**Risk Assessment Form – Part B**			
Activity[1] – Each individual activity you are proposing	**Location** – As Per Part A and general movement around the complex			**Dates / times**: Shooting week _____
Hazards[2] List what could cause harm from this activity *e.g. working at height, trip hazard, fire, etc.*	**Who exposed** List who might be harmed from this activity *e.g. staff, contractors, contributors, public, etc.*	**Risk**[3] For each hazard, decide level of risk as if you were to do the activity without your controls	**Control measures** For each hazard, list the measures you will be taking to minimise the risk identified *e.g. appointing competent persons, training received, planning and rehearsals, use of personal protective equipment, provision of first aid, etc.*	**Risk**[3] For each hazard, now decide level of risk once all your controls are in place
Cold Environment	Cast & Crew	**LOW**	• Encourage all to bring warm clothing and lots of layers • Ensure regular breaks are taken in a warm environment • Ensure hot drinks are available on location at all times	**VERY LOW**
Crush by Load Utilising and assembling jibs (both standard and mini	All	**MEDIUM**	• Ensure thorough checks have been made to the whole jibs before using it. • If in doubt on how to assemble the parts, use the instructions provided with the kit or ask someone who knows how. • Ensure there is enough weight to counterbalance the jib. Ask for help if struggling; to use people for guiding and lifting. • Ensure the vicinity around the jib is clear, except for the necessary people.	**LOW**
Manual Handling	Crew & Cast	**MEDIUM**	• Crew are trained how to safely lift and handle equipment and other items. • Only those who are trained how to handle safely will be lifting things • Plan routes before moving objects • Equipment will be dropped as near to where it needs to be placed as possible • Plan breaks where objects can be put down • Team lifts will be encouraged for larger, bulky items	**VERY LOW**
Object Falling, Moving or Flying	All	**LOW**	• Make sure all objects that are at height are secured to the rigging or weighted down at the base • Make sure all crew and actors know the set and what is at height. • Ensure that the vicinity surrounding the moving/flying object is clear.	**VERY LOW**

Slippery Surface	Cast & Crew	**MEDIUM**	Due to adverse weather, Slippery Surface may become a risk. To limit this, we will: • Avoid, where possible, filming in particularly slippery areas • Encourage sensible, practical footwear • Ensure sand/grit/sawdust is put down where necessary • Wipe or mop up any liquid spillages as soon as possible and notify other members of cast and crew.	**VERY LOW**
Trip Hazard	Crew, Cast & Public	**MEDIUM**	• Crew will keep cabling to a minimum where possible • Kit will be stored neatly and walkways will be kept clear. • Crew will keep cables tidy & secure any loose cabling • Cables laid across walkways, if unavoidable, to be covered with cables mats or securely taped down • Locations dept. will be on hand to liaise with public and ensure cabling is kept tidy and that all equipment is kept minimal and neatly in place • Letters to residents have been distributed to inform them of our intentions at each location with our contact details on	**VERY LOW**
Vehicle Impact or Collision	All	**MEDIUM**	• Ensure people do no work too closely to the road and when working by the road have someone monitoring traffic for risk reduction. • Wear high- visibility jackets when filming outside.	**LOW**
Electric Shock	Crew & Cast	**MEDIUM**	• Only equipment PAT Tested will be used • Ensure location of fuse boards is known for each location • Check to make sure that sockets are not overloaded and equipment turned off when not in use • Those involved should do a visual check before using any electrical devices • If anything is unfit for use, it will not be used further on the shoot until it repaired and re-tested.	**LOW**
Fire	Crew & Cast	**LOW**	• When setting up shots, the relevant departments will ensure electrical equipment is given adequate space to keep cool and not overheat • Loose cable from cables drums to eliminate risk of fire and spread cabling over a larger but safer area • Strictly no smoking or any naked flames on set at any time • In the event of a fire, area to be left immediately and all cast and crew to assemble in pre-arranged safe location. • Cast and crew to familiarise themselves with locations of fire extinguishers/blankets and locations of fire exits • Ensure that fire escape routes are not blocked	**VERY LOW**

Working in Confined Space	Cast & Crew	**LOW**	• Cast and Crew to block through moves • Constant communication to be kept up between everyone, so that everyone knows what everyone else is doing and planning • Only necessary personnel and equipment to be on location	**VERY LOW**
Noise	Crew	**VERY LOW**	• Ensure noise levels monitored • If needed, wear extraneous noise cancelling headphones	**VERY LOW**
Lack of Food/Water	Cast & Crew	**LOW**	• We will ensure the ADs have water and or hot drinks available as much as possible, to limit the possibility of dehydration or lack of food.	**VERY LOW**
Physical Fatigue	Crew & Cast	**MEDIUM**	• All involved will be given as many breaks as time will allow • The working day will NOT exceed 10 hours for anyone involved in the shoot, and 8 hours for the anyone under 18 • Adequate breaks will be given in between each day's work • Set-Ups will be carefully planned	**LOW**
Repetitive Action	Cast & Crew	**Low**	• Ensure regular breaks are scheduled and taken • If necessary, take turns with the task	**Very Low**
Static Body Posture & Repetitive Action	Crew	**LOW**	• Everyone will be encouraged to get out off set and have a walk around. • Regular work breaks will be encouraged to those who will have a static body posture • Where possible, ensure that the position is as comfortable as possible	**VERY LOW**
Litter	Cast & Crew & Public	**Low**	• Locations to be cleared of litter before setting up • Bin bags/bins to be provided, and cast and crew to be encouraged to dispose of waste appropriately	**Very Low**

APPENDIX 9: COVID RISK ASSESSMENT FORM

COVID-19 Risk Assessment Form Fresh Film				
Fresh Film		**Source of Risk: Corona virus**		
Film Organisation for young people		**Primary Impact Category: Harm to team and audiences**		
Office at 1 Johns; Square :		**Risk Type: Operational**		
Date of Assessment: 24/06/2020		**Name of Risk Owner (BLOCKS):**		
Unique ID : COVID		**Signature of Risk Owner:**		
****HAZARD & RISK DESCRIPTION**	**EXISTING CONTROL MEASURES**	**ADDITIONAL CONTROLS REQUIRED**	**ACTION OWNER (i.e. the Person responsible for the action)**	**DUE DATE**
Spread of Covid-19 Coronavirus	**<u>Hand Washing</u>** Hand washing facilities with soap and water available. Staff encouraged to protect the skin by applying emollient cream Gel sanitisers in any area where washing facilities not available and at check-in **<u>Cleaning</u>** Frequently cleaning and disinfecting objects and surfaces that are touched regularly particularly in areas of high use such as door handles, light switches, using appropriate cleaning products and methods. **<u>Social Distancing</u>** Social Distancing - Reducing the number of persons in any work area to	See hand washing guidance video and poster. Include guidance in induction Team to be reminded on a regular basis to wash their hands for 20 seconds with water and soap and the importance of proper drying with disposable towels. Also reminded to catch coughs and sneezes in tissues – **Follow Catch it, Bin it, Kill it** and to avoid touching face, eyes, nose or mouth with unclean hands. Tissues will be made available throughout the workplace. To help reduce the spread of coronavirus (COVID-19) reminding everyone of the public health advice Posters, leaflets and other materials are available for display. Checks will be carried out by line managers to ensure that the necessary procedures are being followed. Encourage staff to report any problems Gather host venue guidelines	Ciarda Tobin / Welfare support person	From 24/06/2020

	comply with the 2-metre (6.5 foot) gap recommended by HSE Taking steps to review work schedules including start & finish times/shift patterns, working from home etc. to reduce number of workers on site at any one time. Redesigning processes to ensure social distancing in place. Conference calls to be used instead of face to face meetings. <u>OFFSITE:</u> Fresh will at minimum follow its own safety plan and comply with host venue procedures. Vulnerable team members will not have to attend higher volume events. **<u>Symptoms of Covid-19</u>** If anyone becomes unwell with a new continuous cough or a high temperature in the workplace they will be sent home and advised to follow the stay at home guidance. Line managers will maintain regular contact with staff members during this time.	Create a clear and GDPR compliant in-house notification system Posters with signs of Covid-19 up in the office. Signs and symptoms to be included in induction Regular communication of mental health information and open door policy for those who need additional support.		

	If advised that a member of staff or public has developed Covid-19 and were recently on our premises or offsite venues the management team of the workplace will contact the Public Health Authority, identify people who have been in contact with them and will take advice on any actions or precautions that should be taken. **<u>Mental Health</u>** Fresh will promote mental health & wellbeing awareness to staff during the Coronavirus outbreak and will offer whatever support they can to help			

INITIAL RISK			**Risk Status**		
Likelihood	**Impact**	**Initial Risk Rating**	**Open**	**Monitor**	**Closed**
MODERATE (2 WHO scale)	Low	Low		X	

APPENDIX 10: REFERENCES

This Welfare and Child Protection policy has been developed with reference to

- Department of Children and Youth Affairs (2017) *Children First – National Guidance for the Protection and Welfare of Children,* Dublin: Government Publications.
- Tusla – Child and Family Agency (2017) *A Guide for Policy, Procedure and Practice*, Dublin: Government Publications.
- Tusla – Child and Family Agency (2017) Guidance on Developing a Child Safeguarding Statement
- Department of Health (2011) *Children First – National Guidance for the Protection,* Dublin: Government Publications.
- Department of Health (2011) *Child Protection and Welfare Practice handbook*, Dublin: Government