

Horse Sport Ireland - Safeguarding Department

Safeguarding Circular February 2018

Children's First Act 2015 and Children's First National Guidance 2017 Explanatory Document

On 11th December 2017 the remaining provisions of the Children First Act 2015 were fully commenced.

The commencement of the Act and the publication of the Children First Guidance 2017 documents have all thrown up a number of questions and issues of clarification that members within the Equestrian Industry have sought information on. This safeguarding circular aims to help our affiliated bodies, understand the requirements under the legislation and to answer some of the frequently asked questions received in relation to it.

Most notably for Horse Sport Ireland, following the commencement, the immediate requirements include;

- Adopting all provisions in relation to mandatory reporting of child abuse,
- Ensuring the appointment child safeguarding officers which include;
 - Designated Liaison Persons
 - Children's Officers
 - National Organisation's Mandated Person,
- Provide Child Safeguarding Training Programmes
- Commence the process to agree a Child Safeguarding Statement for all Affiliate's, Clubs, Branches etc.

Equestrian Sporting Bodies should **have no apprehensions** about the full commencement of the Act, as any Equestrian Sporting Body that has engaged with our safeguarding requirements to date, will already have knowledge of

- child safeguarding training requirements,
- the need to vet various personnel that work with children
- And the requirements to appoint key child safeguarding officers as described above (Designated Liaison Persons, Children's Officers or the Association's Mandated Person) all of whom should now be in place.

In addition to the above we recognise and support the principle that anybody in our Organisation who may have a reasonable concern about a child's welfare should report their concern to Tusla and if any of our safeguarding personnel can assist in this process, they should be willing do so.

What is Children First?

Children First is the title for both the National Guidance that promotes the protection of children from abuse and neglect and it is also refers to the legislation of the same name.

What's the difference between the Children First Act and the Guidance?

Both The Children First Act 2015 (the Act) and the Guidance work in tandem with each other. It's not unusual for legislation to be accompanied by guidance but in relation to this Act it is vital that such a

publication is made available to statutory and voluntary bodies so as to assist us and guide us in adhering to our responsibilities. The Children First Act, initially passed into law in 2015, provides for the framework in which regulations on mandatory reporting, inter-agency cooperation and the statutory obligations on organisations and agencies that work with children apply.

The Children First Guidance 2017 is a resource booklet reflecting what is contained in the Children First Act 2015. It is intended that the Guidance will assist people in recognising different forms of child abuse, and in reporting reasonable concerns to Tusla. It outlines what organisations need to do to keep children safe, and what different bodies and the general public should do if they are concerned about the safety and welfare of children.

What is Tusla - the Child and Family Agency?

Tusla – the Child and Family Agency is the dedicated State agency responsible for improving wellbeing and outcomes for children. The agency operates under the Child and Family Agency Act 2013, a major piece of legislation which has children at its heart and views families as the foundation of a strong healthy community where children can flourish.

What are the major issues that an Equestrian Body should be aware of now?

Children First Guidance makes references to aspects of the Act that commenced on 11th December 2017 with other sections that require to be fulfilled or to be in place by 11th March 2018, three months later. The Act also by extension references other matters including vetting.

To simplify matters this leaflet highlights a number of issues, outlined below, that arise immediately or issues that we must address by March 2018, with relevant on-line links provided as appropriate.

Vetting

In accordance with vetting legislation, also referred to in the Children First Guidance, all persons who have a regulated role with children, (i.e. coaches, instructors, Youth Council members, parents who regularly assist in Equestrian Sport) must be vetted under the Vetting Act. **Indeed, according to Horse Sport Ireland rules and Children First they should have been vetted by now.**

There are no exceptions to this directive. If a person, who has not been vetted, continues to act in any of the above roles after 30th April 2018 (Deadline for submission of retrospective vetting applications), they will be breaking the law, as may their Club for offering or facilitating such a role. The Horse Sport Ireland Vetting Policy states that once vetted an applicant shall be re-vetted within a five year period. Vetting regulations stipulate that a vetting applicant must be at least 16 years old when submitting their application.

Horse Sport Ireland vetting links:

National (Garda) Vetting Bureau Vetting: <http://www.horsesportireland.ie/governance/garda-vetting/>

Access NI Vetting (NI): <http://www.horsesportireland.ie/governance/accessni/>

FAQ: Can you appoint a 15 year old as a coach?

In accordance with the 'Vetting Act' and Children First Guidance 2017 it is compulsory for any person who is carrying out relevant work with children to obtain a vetting disclosure. Vetting regulations do permit us to vet an individual unless they are at least 16 years of age. Given this legal requirement it is not therefore permissible for a 15 year old to be a coach within Equestrian Sports.

Appointing a Children's Officer

If your Equestrian Sporting Body has yet to appoint your Club/Branch/Region etc. Children's Officer, **please do so immediately, as this is a requirement under the Children's First Act.** The Children's Officer must also be a member of your Equestrian Body's Executive/Management Committee.

Appointing a Designated Liaison Person (DLP)

Each Horse Sport Ireland Affiliate Body and any bodies Affiliated to them must appoint a Designated Liaison Person (DLP) who shall act as a resource, and is responsible for ensuring that reporting procedures within the Equestrian Sporting Body are followed so that child welfare and protection concerns are referred promptly to Tusla. The DLP should have a knowledge of categories and indicators of abuse, attend the DLP training workshop, and be familiar as required with Horse Sport Ireland reporting procedures. The DLP should be ratified on an annual basis by their relevant Equestrian Sporting Body. The DLP should record all concerns brought to their attention and the actions taken.

Reporting Procedures for DLPs

If a DLP is making a report to Tusla they should do by using the Child Protection and Welfare Report Form:

http://www.horsesportireland.ie/wpcontent/uploads/2017/12/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

In Horse Sport Ireland, if a DLP is in receipt of a child welfare and protection concern and they report this to Tusla or for whatever reason they choose not to report to Tusla they are required, regardless of which option taken, to also report their actions to the Horse Sport Ireland Mandated Person. This shall assist the Organisation in fulfilling any necessary and legal follow up requirements. Reports to the Horse Sport Ireland Mandated Person should be forwarded to EMAIL.

Appointing a Mandated Person

The Act imposes a statutory obligation on Horse Sport Ireland, and many others, to appoint a Mandated Person whose role shall be to report child protection concerns over a defined threshold to Tusla and to assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

Other sectors also have Mandated Persons and these include social workers, medical practitioners, teachers, members of an Garda Síochána, youth workers and many more. The Mandated Person shall by the nature of their role, liaise regularly and as required with Organisations DLPs. The Horse Sport Ireland Mandated Person is

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NOTE: DLPs are not Mandated Persons within the meaning of the Act.

What is Mandated Reporting?

Mandated persons are required to fulfil their obligations attached to mandate reporting and to be aware that the legal obligations to report mandated concerns rest with them and not with the DLP. The Mandated Person's role shall be to report child protection concerns over a defined threshold to

Tusla and to assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

Child Safeguarding Training

In accordance with the Children’s First Act 2015, Horse Sport Ireland implemented a Safeguarding Training Policy in 2017. Under the legislation, Safeguarding Training is mandatory and is required for the level of child safeguarding engagement one has in the Organisation.

While we have maintained the required levels of training to date, including a requirement that a basic coaching qualification cannot now be achieved without completing Safeguarding 1, all such practices are now mandatory.

Three levels of Child Safeguarding Training are in place in Horse Sport Ireland as follows

1. **Safeguarding 1 - Child Protection in Sport Awareness Workshops** relevant to coaches and others who work in a regulated role with children in the Association.
2. **Safeguarding 2 – Club Children’s Officer Training for Club Children’s Officer**
3. **Safeguarding 3 – Designated Liaison Person Training for DLPS in Clubs**

Please refer to the Horse Sport Ireland Safeguarding Training Policy for further information, available here:

<http://www.horsesportireland.ie/wp-content/uploads/2014/04/Horse-Sport-Ireland-Safeguarding-Training-Policy-2017-Final.pdf>

Child Safeguarding Statement

The Horse Sport Ireland Child Safeguarding Statement shall specify the services provided by the organisation and the principles and procedures to be observed to ensure, as far as practicable, that a child availing of our services is safe from harm. Reflective of our risk assessment procedure it shall be issued in poster format highlighting procedures such as Recruitment, Codes of Behaviour, Safeguarding Training, Reporting Procedures, Children’s Officers roles, DLPs etc. It shall be provided by Horse Sport Ireland to each of our Affiliated Bodies in February 2018.

Children’s First Act 2015 – Equestrian Sporting Body Requirements – Checklist

Requirement	Required By/For	Timeframe
Vetting	By all persons working with children in all equestrian clubs	Required immediately under Children’s First Legislation, no later than 30 th April 2018.
Appointment of Children’s Officer and Designated Liaison Person	By all Affiliates, Branches, Regions, Clubs etc. with ongoing youth activities and youth members in accordance with Children’s First Guidance	Immediately
Mandated Person	Appointed Nationally by Horse Sport Ireland	Immediately
Safeguarding Training	Required by all persons working/volunteering with children. Please refer to Safeguarding Training Policy for required level for individual roles	Immediately
Child Safeguarding Statement	By all Equestrian Bodies with youth actives and members	March 2018