



Triathlon Ireland Recognising and Reporting Safeguarding Concerns Policy

→ Introduction

The purpose of this document is to ensure best safeguarding practice and procedures exist to protect vulnerable members as well as facilitate and enhance the operation of Triathlon Ireland (hereafter referred to as TI) and its clubs. The procedures following are produced to ensure all TI staff, relevant volunteers and stakeholders have a clear understanding of the procedures and how it applies to their role. This document will be reviewed on a regular basis.

These procedures were submitted and approved by the Triathlon Ireland board and Safeguarding Committee. All previous procedures are superseded by this version with effect from February 2020.

Any issues arising from the transition between previous procedures and these shall be determined by the CEO, in consultation, where such issues are

material, with the President.

This document may be amended from time to time by the Safeguarding Committee. The definitive text of this document in force is the version contained on the TI internal server under Safeguarding Policies. Any printed text or electronic copy held elsewhere is only a snapshot of the text at the time it is printed, copied or downloaded.

The procedures outlined here are the reporting procedures for any issues or incidents related to child welfare, poor practice or safeguarding in Triathlon clubs and Triathlon Ireland sanction events. This includes training sessions, races, schools events and overnight trips.

→ Recognising Abuse. Categories of Abuse

Physical abuse is deliberately physically hurting a child. It might take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.

Neglect is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse.

Sexual abuse occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse can be perpetrated by adult men or women or other children.

Emotional abuse is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child's emotional development.

Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for

personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature. (please note that exploitation is defined as a form of abuse only in NI).

Bullying is the repeated use of power, by one or more persons, intentionally to harm, hurt or adversely affect the rights or needs of another or others. Today the act of bullying is no longer confined to sports clubs, streets or schools and with the ever increasing capabilities of mobile phones and computers includes cyber bullying. While often not as visible as other forms of bullying, cyber bullying is every bit as damaging to its victims and is extremely common amongst children today.

Bullying can be:

- › physical - pushing, kicking, hitting, pinching, unwanted physical contact etc.
- › verbal - name-calling, sarcasm, spreading rumours, persistent teasing, racist / homophobic taunts, gestures
- › emotional - torment through ridicule, humiliation and the continual ignoring of individuals
- › sexual - unwanted physical contact or sexually abusive remarks
- › homophobic - focuses on a person's actual or alleged sexuality
- › racist - racial taunts, graffiti, gestures
- › cyberbullying - happens on social networks, games and mobile phones. Cyberbullying can include spreading rumours about someone, or posting nasty or embarrassing messages, images or videos.

To see more detail about types of abuse visit:

[Tusla.ie](https://www.tusla.ie)

[Cooperating to Safeguard Children and Young People in NI](#)

[TI Anti Bullying Policy](#)

→ Age of Consent and the Position of Trust

NORTHERN IRELAND. The Sexual Offences (NI) Order 2008 became operational on 2 February 2009 which effectively brought Northern Ireland into line with the rest of the UK in terms of the Law relating to when young

people are deemed to be able to consent to sexual activity. The age of consent was reduced from 17 years to 16 years old. It has also introduced new offences of sexual abuse against children under the age of 13.

REPUBLIC OF IRELAND. In the Republic of Ireland under the Criminal Law (Sexual Offences) Act 2006 the age of consent is 17 years.

Although the age of consent is under 18 amendments to the Criminal Law (Sexual Offences) Act 2006 which prohibits a sexual relationship between a coach, a person in authority, and an athlete under 18 came into effect in 2017. The Act of 2006 is amended by the insertion of the following section after Section 3. 3A. (1) A person in

authority who engages in a sexual act with a child who has attained the age of 17 years but is under the age of 18 years shall be guilty of an offence.

Abuse of Trust legislation making it a crime to have a sexual relationship with a person under 18 that you have a duty to care for does not currently apply to sports coaches in voluntary sport in the UK, however TI will remove any coach/official that breaches our code of conduct and abuses their position of trust when working with under 18's.

→ Grounds for Concern

THE FOLLOWING EXAMPLES WOULD CONSTITUTE REASONABLE GROUNDS FOR CONCERN:

A specific indication from the child that he or she was abused (disclosure).

An account by a person who saw the child being abused.

Evidence, such as an injury or behaviour, that is consistent with abuse and unlikely to be caused in another way; - An injury or behaviour that is consistent both with abuse and with an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse and/or dysfunctional behaviour.

Consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

Abuse can also be between young people where one child is being abused by another. For example, a third of children who have experienced sexual abuse have been harmed by another young person (under the age of 18). Harmful Sexual Behaviour may include:

- › inappropriate touching;
- › using sexual violence or threats;
- › sexual activity that involves force, coercion or persuasion;
- › sexual bullying – both online and offline – including enticement to perform sexual acts, production of sexual photos and/or sexting.

→ Responding to a Concern

Children may talk to their coach, leader or a trusted adult about issues they are dealing with as they may feel more comfortable than talking to a family member. If a child discloses information regarding abuse you should be prepared to listen.

The following steps are suggested for dealing with a disclosure of abuse from a child:

- › 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.
- › Do not express any opinions about the alleged abuser.
- › Ensure that the child understands that you must tell someone who understands this area and who can help.
- › Continue to support the child but do not take sole responsibility.
- › Consult you club children's officer/ designated liaison person or go directly to the statutory authorities if you believe the child is in danger.
- › If report of a concern, allegation or disclosure of abuse involves an allegation against a member of Triathlon Ireland the primary concern being the well-being of any young person involved. All protective measures must be taken to ensure no young person is exposed to an unnecessary risk.

→ Recording a Concern or Disclosure

- › Make a written record of what the child has told you as soon as possible, in as much detail as possible or if it is information passed to you make a detailed record of what you have seen or heard.
- › Check back with the child that what you have heard is correct.
- › Treat the information confidentially.
- › Ensure the information is factual and in the child's own words.
- › Follow the reporting procedures outlined in this document.

→ Reporting a Concern of Abuse

The rights and safety of the child are paramount and passing on the information is the responsibility of everyone, regardless of your role.

It is not your responsibility to decide whether a child or young person is being abused, however you have a duty to act on your concerns. Do not delay passing on the information to the appropriate person in line with your event, club or TI's safeguarding reporting procedures.

The key points for reporting concerns are as follows:

- › A person reporting can circumvent the club and TI officials and report directly to the statutory authorities but must also inform the TI NCO as soon as possible. If it is out of office hours and there is an immediate threat to a child, you should contact An Garda Síochána/Police Service of Northern Ireland.
- › If you are unsure and there is not an immediate threat to the child you can seek an informal consultation with a TUSLA (ROI) or Gateway (NI), social worker (contact details below).
- › Consult with your Club Children's Officer and report to your Club Designated Liaison Person who will pass the information to the statutory authorities or to the TI Mandated person to report.
- › All information being passed on within the club and TI is on a 'need to know' basis and should be kept confidential, particularly if the allegation is against another child, unless this conflicts with the best interest of the child.
- › TI reserves the right to suspend an individual pending statutory investigation. This is not determination of wrongdoing by any party but serves to reduce any risk to a child and the risk of any further allegations being made against the individual.

There are a number of key pieces of legislation related to reporting abuse.

IN THE REPUBLIC OF IRELAND

- › Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children
- › The Protections for Persons Reporting Child Abuse Act 1998
- › Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

IN NORTHERN IRELAND

- › The Children (NI) Order 1995
- › Criminal Law Act 1967
- › Sexual Offences (NI) Order 2008
- › Protection of Freedoms Act 2012

The reporting structure in TI is as follows:

→ Reporting Flow Chart for Suspected Abuse



→ Reporting Poor Practice/Breach of Code of Conduct

The Triathlon Ireland code of conduct outlines expected behaviour of Coaches, Leaders and assistants regardless of their role or the age group they are working with. This is signed annually by all coaches, leaders and volunteers. TI has two codes of conduct for volunteers/coaches/leaders:

[Form 8](#) for those new to clubs or not in a club. This form requests references.

[Form 10](#) for those in clubs 6 months or longer.

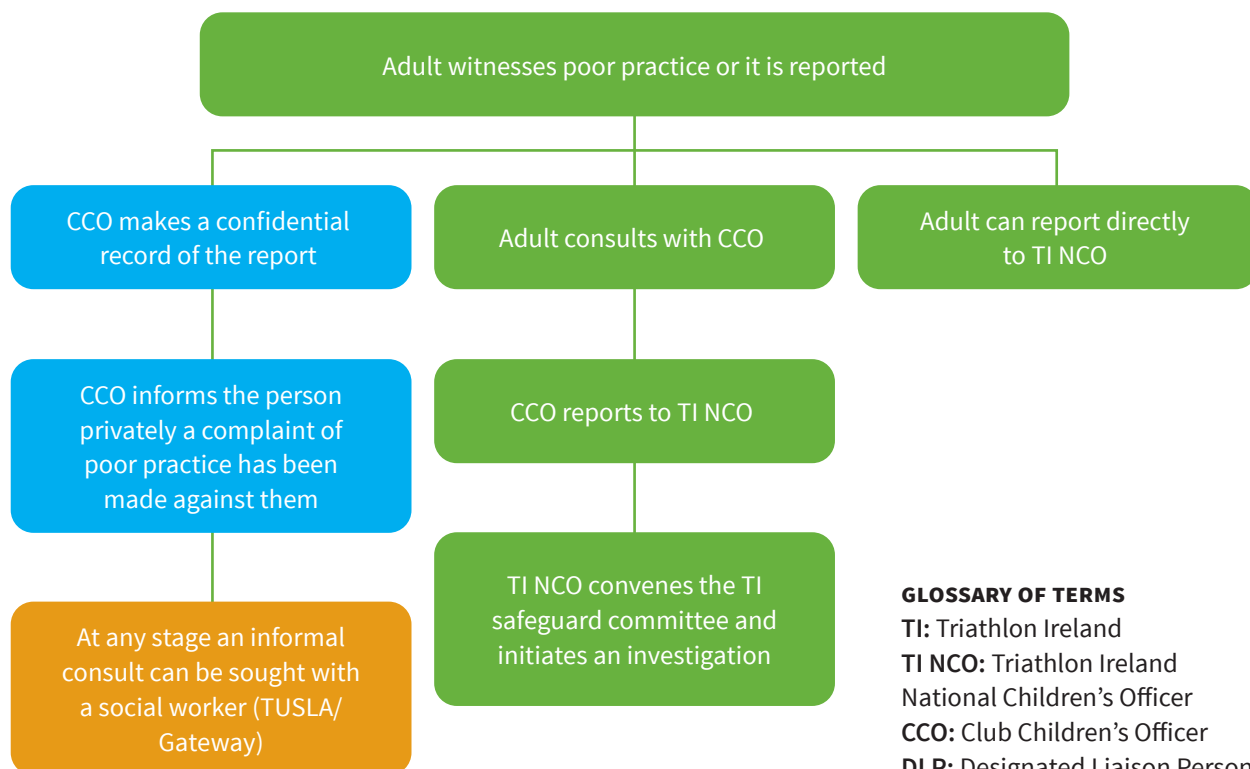
A breach of the code of conduct may be considered as poor practice, unless the severity or nature of the breach is considered an abuse of a child in the terms as described in this document.

Examples of poor practice could include:

- › Leaving a child in a risky situation.
- › Shouting or use of inappropriate language.
- › Conducting training sessions inappropriate for the age and ability of the group.
- › Excessive and unnecessary physical contact with juniors.
- › Bullying or excluding.
- › lack of supervision.
- › Not listening to children's views.

Once reported to the TI National Children's Officer TI will instigate an investigation within the organisation.

The reporting structure in TI is as follows:



GLOSSARY OF TERMS

TI: Triathlon Ireland

TI NCO: Triathlon Ireland National Children's Officer

CCO: Club Children's Officer

DLP: Designated Liaison Person

→ Historical Abuse

Allegations of retrospective abuse can be made, where an adult makes an allegation of an abusive event or situation from their childhood. This must be reported to determine any current or potential future risk to young people. Retrospective abuse can be difficult for the statutory authorities to investigate however it is important in identifying potential future risks. Anyone who receives a retrospective allegation

should report this to the DLP and/or the Mandated Person. Where necessary advice is sought from the statutory authorities. There is a specific Retrospective Abuse Form for reporting to Tusla (ROI) which cannot be submitted online. To report retrospective abuse in NI you should report directly to the Health and Social Care Trusts.

→ Statutory Reporting

All adults can report directly to the statutory authorities as a concerned individual under the Protection of Persons Reporting Act.

→ Contact Details

REPUBLIC OF IRELAND

TUSLA-Child and Family Agency:

- › [Click here](#) for TUSLA website.
- › [Click here](#) to find more information on Children First and complete the free E Learning programme.
- › [Click here](#) to seek an informal consult with a social worker.
- › [Click here](#) for 'How to report a concern'.

An Garda Síochana:

- › In an emergency call 999/112
- › Freephone child sexual abuse reporting 24 hours a day 7 days a week: 1800 555 222
- › [Click here](#) for information for persons reporting child abuse or a sexual crime.

NORTHERN IRELAND

Gateway Services:

- › [Click here](#) for further Gateway information.
- › [Click here](#) to report a concern. (9am-5pm).

Police Service of Northern Ireland:

- › Call the police service on 101, the non-emergency telephone number, where you will be put in contact with a specially trained police officer.
- › In an emergency call 999
- › [Click here](#) for more the PSNI child protection page.

National Society for the Protection of Cruelty to children:

- › [Click here](#) for the NSPCC website.
- › [Click here](#) for the Child Protection in Sport Unit website.
- › [Click here](#) to report a concern. (24 hours).

→ Relevant Legislation

REPUBLIC OF IRELAND

1) The Children First Act 2015. The legislation puts the [Children First National Guidance 2011](#) on a statutory footing. It commenced in December 2017 and requires the following:

1. All governing bodies to appoint and train a Mandated Person who is responsible for reporting any allegations to the statutory bodies.
2. All clubs to appoint a Designated Liaison Person.
3. All those involved with juniors and vulnerable adults to be vetted and trained. Training in a sports context is Safeguard 1.
4. Governing bodies and clubs to prepare and keep updated a Safeguarding Risk Assessment.
5. Governing bodies and clubs to display a Child Safeguarding Statement.
6. Governing bodies to actively support all members to promote best practice in child welfare and protection.

2) The National Vetting Bureau (Children and Vulnerable Persons) Act 2012

The [National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#) commenced on the 29th of April 2016. This Act makes it mandatory for persons working with children or vulnerable adults to be vetted by the Gardaí prior to beginning their role. The Act also provides for the use of "soft" information regarding vetting. This is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons. Under the Act the Garda Central Vetting Unit will become the National Vetting Bureau and the vetting procedures will be put on a statutory basis.

3) The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012. This is a limited form of mandatory reporting. This Act criminalises the intentional failure to report certain serious scheduled offences. The offence applies to all persons who fail to disclose such information to the Gardaí not just a person who

occupies a position of authority or is a mandated professional. The penalties which arise under the Act depend on the gravity of the offence that was withheld and range from a fine of up to €5000 and 14 years imprisonment.

4) The 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 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 - 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.

5) 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 Tusla or to any member of An Garda Síochána. 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.

6) Amendments to the Criminal Law (Sexual Offences) Act 2006 which prohibits a sexual relationship between a coach, a person in authority, (any other person who is or has been responsible for the education, supervision, training, care or welfare of the child) and an athlete under 18 came into effect in 2017. The Act of 2006 is amended by the insertion of the following section after Section 3. 3A. (1) A person in authority who engages in a sexual act with a child who has attained the age of 17 years but is under the age of 18 years shall be guilty of an offence.

NORTHERN IRELAND

1) [The Children \(NI\) Order 1995](#) (how NI responded to implementing part of the UNCRC 1989 treaty)

5 good practice principles of this legislation are:

- › Paramountcy;
- › Parental Responsibility;
- › Prevention;
- › Partnership;
- › Protection.

2) [Co-operating to Safeguard Children and Young People](#) (2017)

Provides child protection guidelines and outlines the roles and responsibilities of all agencies in Northern Ireland.

3) [Criminal Law Act \(NI\) 1967](#)

Legislation states that anyone with direct knowledge or information about an arrestable offence is required to inform the police within a reasonable time. An arrestable offence may include the non-disclosure of serious cases of child abuse.

4) [Disability Discrimination Act](#)

Currently in the UK the Disability Discrimination Act (1995) [1], protects the rights of disabled people in the United Kingdom. The DDA has the following effect on the sporting context:

- › It is unlawful for sports clubs to treat disabled people less favourably for a reason related to their disability;
- › Sports clubs are required to make 'reasonable adjustments' for disabled people such as providing extra help or making changes to the way in which they provide their services;
- › Sports clubs will also have to make 'reasonable adjustments' to the physical features of their premises in order to overcome physical barriers to access.

It is a legal requirement for sports clubs to comply with their responsibilities under the DDA.

1 Disability Discrimination Act, 1995 (amended in 2005).

5) [Sexual Offences \(NI\) Order 2008](#)

- › Brings NI in line with legislation in England and Wales;

- › Some offences created and increased tariffs for those who harm children;
- › Part 2 of legislation focuses on convicted individuals and their management;
- › Establishes the age of consent for NI as 16 to bring us in to line with the rest of the UK.

6) [The Sexual Offences Act 2003](#)

This legislation means that people who have been cautioned or convicted for sexual offences on or after 1 September 1997, or who have been released from prison on or after that date, having been convicted for sexual offences must notify the police of certain details including name(s), address(es), date of birth, National Insurance Number etc. This process is sometimes referred to as 'signing the sex offender's register' and offenders are required to notify for periods which are determined by the sentence handed down by the Courts.

7) [The Criminal Justice \(NI\) Order 2008](#)

This legislation has created public protection sentences within an overall new sentencing framework for Northern Ireland, which removes the right to automatic 50% remission for prisoners who receive a custodial sentence. Arguably the most significant of the public protection sentences is the new Indeterminate Sentence, which will effectively mean that the offenders who receive this sentence will have to satisfy new Parole Commissioners that their risk of causing serious harm has been reduced before they are released from prison to return to the community.

The legislation also places the Public Protection Arrangements on a statutory footing and provides for the Courts to order the use of electronic tagging for offenders.

8) [Rehabilitation of Offenders \(Exceptions\) Order \(NI\) 1979](#)

Ordinarily, due to the Rehabilitation of Offenders (Northern Ireland) Order 1978, an employer is entitled only to request an individual's unspent record. However, exceptions are made under this legislation which lists the circumstances in which an employer may apply for a full criminal record disclosure.

9) **Police Act** (Introduced what is known as Part 5 of the Police Act 1997)

This was not initially implemented in Northern Ireland, but the Northern Ireland Office enacted this piece of the legislation. It enables the PSNI to disclose what is termed 'soft intelligence', i.e. non-conviction information, when they deem it appropriate. This coincided with the establishment of Access NI, the equivalent to the Disclosure and Barring Service (DBS) in England and Wales.

10) **Access NI**

This organisation was established by a joint programme between the Northern Ireland Office, the Department of Health, Social Services and Public Safety, the Department of Education and the Police Service of Northern Ireland. It provides organisations registered with them with a central means of checking the suitability of an individual seeking work with children by providing a means for accessing any information which might have a bearing on an individual's suitability. Its role is to complement each agency's own safeguarding measures and all agencies entrusted with the care or training of children need to have robust recruitment and staff/volunteer selection procedures.

www.nidirect.gov.uk/accessni-criminal-record-checks

11) **Safeguarding Vulnerable Groups (NI) Order 2007**

Organisations have a legal duty to refer information to the Disclosure and Barring Service (DBS) formally the Independent Safeguarding Authority (ISA) in certain circumstances. In all cases there are two conditions, both must be met to trigger a referral to the DBS by a regulated activity provider i.e. a sports club/governing body working with young people or vulnerable adults. A referral must be made to the DBS when a club /organisation:

a) withdraws permission for an individual to engage in regulated activity, or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not regulated activity; because

b) they think that the individual has:

- › engaged in relevant conduct;
- › satisfied the Harm Test; or
- › received a caution or conviction for a relevant offence.

If both conditions have been met the information must be referred to the DBS.

The referral should be made to the DBS when the regulated activity provider has gathered sufficient evidence as part of their investigations to support their reasons for withdrawing permission to engage in regulated activity and in following good practice, consulted with their Health and Social Care Trust.

12) **Protection of Freedoms Act 2012**

From September 2012, there have been some changes to safeguarding arrangements in relation to vetting in England, Wales and Northern Ireland, arising from the Protection of Freedoms Act 2012, which amends the Safeguarding Vulnerable Groups (NI) Order. This includes a more limited definition of regulated activity and the issuing of the disclosure certificate to the applicant only. This new definition is intended to reduce the number and scope of positions which are eligible for a criminal record check with Barred List information.

→ Guiding

SPORT IRELAND

[Click here](#) for Sport Ireland website.

[Click here](#) for the Code of Ethics and Good Practice in Childrens Sport online Manual.

[Click here](#) for Sport Ireland eLearning Portal where you will find free courses on coaching children and Anti Doping.

DEPARTMENT OF CHILDREN AND YOUTH AFFAIRS:

[Click here](#) for the Dept. of Children and Youth Affairs website.

[Click here](#) for the Children First Act 2015.

SPORT NORTHERN IRELAND

[Click here](#) for Sport NI website. Link to safeguarding section on Sport NI site

DEPARTMENT OF HEALTH

[Click here](#) to read the 'Co-operating to Safeguard Children and Young People in Northern Ireland' document.

CHILD PROTECTION IN SPORT UNIT

VISIT:

www.thecpsu.org.uk

EMAIL:

cpsu@nspcc.org.uk

FREE SAFEGUARDING HELPLINE:

0808 800 5000 (UK only)

GLOSSARY OF TERMS

TI: Triathlon Ireland

TI NCO: Triathlon Ireland National Children's Officer

CCO: [Club Children's Officer](#)

DLP: [Designated Liaison Person](#)