



## Standard Operating Procedure

# Statutory Reporting Procedure & Policy

### Ownership & Applicability

Person responsible for update of this procedure:	Children's Officer
Responsible for Activity:	
Applicable to:	

### Approval

Drafted / Revised	Approved	Revision	Effective from
Emer O'Donnell	Ciaran O'Reilly	Rev1	June 2021

SOP Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Flag Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**MYC Statutory Reporting Procedure**

Where there are grounds for concern for concern about the safety or welfare of a young person these should be reported in the first instance to the Club Children's Officer who will act as Designated Person for Malahide Yacht Club. They may in turn pass the concern to the local Statutory Authorities. It is not the responsibility of MYC to determine if child abuse is taking place. That is the job of the local statutory authorities. However, there is a responsibility on the part of the club to protect young people by assisting the appropriate agencies so they can make enquiries and take any necessary action to protect the young person.

Grounds for concern include a specific indication from a young person, a statement from a person who witnessed abuse or an illness, injury or behaviour consistent with abuse.

**Response to a child disclosing abuse**

When a young person discloses information of suspected abuse we will:

- deal with any allegation of abuse in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened
- stay calm and not show any extreme reaction to what the child is saying. Listen compassionately, and take what the child is saying seriously
- understand that the child has decided to tell something very important and has taken a risk to do so. The experience of telling should be a positive one so that the child will not mind talking to those involved in the investigation
- be honest with the child and tell them that it is not possible to keep information a secret
- make no judgmental statements against the person whom the allegation is made
- not question the child unless the nature of what s/he is saying is unclear. Leading questions should be avoided. Open, non-specific questions are used such as "Can you explain to me what you mean by that"
- check out the concerns with the parents/guardians before making a report unless during so would endanger the child or compromise an investigation
- give the child some indication of what would happen next, such as informing parents/guardians, health service executive or social services. We will keep in mind that the child may have been threatened and may feel vulnerable at this stage.
- Carefully record the details
- Pass on this information to the organisations Designated Person
- Reassure the child that they have done the right thing in telling us

**Reporting suspected or disclosed child abuse**

Where an incident of suspected or disclosed child abuse is reported to any member of the MYC community we will take the following steps in reporting this to the statutory authorities:

- Observe and note dates, times, locations and contexts in which the incident occurred, or suspicion was aroused, together with any other relevant information.
- Report the matter as soon as possible to the designated person with responsibility for reporting abuse. In MYC the role of Designated Person is held by the Club Children's Officer. If the Designated Person has reasonable grounds for believing that the child has been abused or is at risk of abuse, they will make a report to the health service executive/social services who have statutory responsibility to investigate and assess suspected or actual child abuse.
- In cases of emergency, where a child appears to be at immediate and serious risk and the Designated Person is unable to contact a duty social worker, the police authorities will be contacted. Under no circumstances will a child be left in a dangerous situation pending intervention by the Statutory Authorities.
- Where the Designated Person is unsure whether reasonable grounds for concern exist they may choose to informally consult with the local health board/ social services.
- The Designated Person reporting suspected or actual child abuse to the Statutory Authorities will first inform the family of their intention to make such a report, unless doing so would endanger the child or undermine an investigation.

The Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse 'reasonably and in good faith' to the Health Service Executive or the Gardai. The main provisions of the Act are:

- 1) The provision of immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers of Health Service Executive or any member of An Garda Siochána;
- 2) 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;

- 3) 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.

### **Where allegations are made against sports leaders**

Irish Sailing has agreed procedures to be following in cases of alleged child abuse against Leaders (Instructors, coaches, activity organisers etc). If such an allegation is made against a Leader working within the organisation MYC will adhere to the following procedures:

1. The reporting procedure in respect of suspected child abuse as outlined on previous page
2. The procedure of dealing with the leader

The safety of the young person making the allegation should be considered, as well as the safety of any other young people in the club who may be at risk. The club will take the necessary steps to protect the young people in our care.

Confidentiality is important and all information will be on a strict need to know basis. The sports leader will be treated with respect and fairness.

### **Reporting Procedure**

If the designated person has reasonable grounds for concern, the matter will be reported to the local health board/ social services as per the standard reporting procedure to Statutory Authorities.

### **Dealing with the leader**

- While the designated officer, in the case of MYC our Club Children’s Officer, makes the report to the local health board, the Commodore, or his/ her appointed senior club officer will deal with the leader in question.
- The leader will be privately informed that : 1. An allegation has been made against him/ her, and 2. The nature of the allegation.
- The leader will be afforded an opportunity to respond. His/ her response will be noted and passed on to the health board/ social services.
- The leader will be asked to step aside pending the outcome of the investigation. It will be made clear to the leader at this point that this is only as a precautionary measure and will not prejudice any later disciplinary proceedings.
- The Designated Person will inform Irish Sailing that the leader has been asked to step aside.

- Irish Sailing may consider disciplinary action on the leader but will ensure that this does not interfere with the investigation by the Statutory Authorities. In doing so, Irish Sailing will consider the outcome of the investigation and any implications it might have. The fact that the alleged abuser has not been prosecuted, or found guilty, does not mean that they should continue to work with young people in the future.

### **Confidentiality**

Confidentiality will be maintained in respect of all issues and people involved in cases of abuse, welfare or bad practice. It is important that the rights of both the child and the person about whom the complaint has been made are protected.

MYC officers commit to keeping the following points in mind when dealing with such matters:

- A guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the young person will supersede all other considerations.
- All information will be treated in a careful and sensitive manner and discussed only with those who need to know.
- Information will be conveyed to the parents/ guardians of the child in a sensitive way
- Giving information to others on a “need to know” basis for the protection of a child is not a breach of confidentiality
- All persons involved in a child protection process should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure
- Information should be stored in a secure place, with limited access only to designated people as per GDPR guidelines.
- The requirements of GDPR from 25<sup>th</sup> May 2018 should be adhered to.

### **Anonymous complaints & rumours**

- All complaints relating to inappropriate behaviour should be brought to the attention of the Designated Person (Club Children’s Officer).
- Complaints will be checked out and handled in a confidential manner.
- Any rumours relating to inappropriate behaviour should be brought to the attention of the Designated Person (Club Children’s Officer) and checked out without delay.