

**BYRNE
WALLACE**

YOUR
LEGAL
BUSINESS
PARTNERS

CODE ETHICS & GOOD PRACTICE FOR CHILDREN'S SPORT INFORMATION DAY

LEGISLATION

Sinéad Kearney

3 November 2012

Head 6 of the Bill states that:

"An organisation under this Bill is any organisation which provides services where a child can attend such services:

- a) Without:
 - i. a parent; or
 - ii. a guardian; or
 - iii. any other adult to whom the parent or guardian has entrusted a child, being present, and;
- b) Where an employee or a volunteer, in the organisation, has, in the course of their employment:
 - i. Access to a child; or
 - ii. Works directly with a child."

Any organisation within the remit of the Bill is obliged to take a number of different steps to ensure the overall objective of child safety as follows:

1. Appoint a **designated officer**
2. Prepare and keep updated **A Keeping Children Safe Plan**
3. Vet and train staff
4. Actively support each employee and volunteer to promote best practice in child welfare and protection.

Appointment of a Designated Officer

“The most senior officer, manager or person as designated by employer, in writing or if not designated, then the most senior person employed by the organisation is the designated officer for the purposes of this Bill. “

Functions of Designated Officer

The designated officer is tasked with specific responsibilities and they include the following:

1. **Receiving** concerns or allegations of child abuse and **reporting** those allegations on to the HSE in accordance with the document *“Guidance for the Reporting of Abuse.”*
2. **Preparing** and keeping updated the **Keeping Children Safe Plan**, implementing the plan and developing protocols.

Head 11 provides that a person who:

- a) Is employed or volunteers in an organisation which falls under Head 6; and
- b) Holds a supervisory post and in that post is responsible for the supervision of employees or volunteers who work directly with children; or
- c) As the designated officer, **is to report** any concern or allegation of child abuse with the criteria for reporting set out in the Guidance for Reporting of Abuse that comes to his/her attention in the course of his/her employment.

National Vetting Bureau (Children and Vulnerable Persons) Bill 2011

1. Database System to hold information
 - a) Convictions*
 - b) Specified Information*

Subsection 2, Section 1 states, a person shall be guilty of an offence if:

- a) He/she knows or believes that an offence, that is a schedule 1 offence, has been committed by another person against a child, and
- b) He/she has information which he/she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of An Garda Siochana.

Fair Procedures in Investigations

MQ v The City of Dublin VEC and EHB
High Court, Mr. Justice Barr

Fair Procedures

Barr Principles endorsed in:

- 1. MI v The HSE, High Court, Judge Hedigan***
- 2. PDP v Board of Management of a School and The HSE, High Court, Judge O'Neill***

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