



O.N.A.K.A.I.

Official National Amateur Karate Association of Ireland

National Governing Body for Karate in Ireland

SAFEGUARDING OF CHILDREN, VULNERABLE AND YOUNG PERSONS IN KARATE POLICY AND PROCEDURES

POLICY STATEMENT

Vision Statement

To provide an opportunity to engage in the best recreational and sporting Karate in Ireland to all under the ethos of #karateisforeveryone

Mission

To promote excellence in Irish karate through delivery of training, education, effective governance, and membership services.

O.N.A.K.A.I. is fully committed to safeguarding the well-being of its members. Every individual in the organisation should at all times show respect and understanding for their rights, safety and welfare, and conduct themselves in a way that reflects the principles of O.N.A.K.A.I., the guidelines contained in the Sport Ireland Safeguarding Guidance For Child and Young People in Sport, as complimented by O.N.A.K.A.I.'s Code of Conduct and Policy for the Safeguarding of Young People in the sport Karate in Ireland. [O.N.A.K.A.I. Safeguarding Statement](#)

O.N.A.K.A.I. recognises the benefits available to all people participating in Karate. Our sport offers benefits for both physical and mental well-being, and the opportunity for active participation throughout life.

However, as in all sports there are risks associated with Karate. While O.N.A.K.A.I.'s Constitution together with its Code of Conduct, of which this Policy is a part, set clear guidance and recommendations as to the best practices and minimisation of risks all participants should be aware of and accept these risks and be responsible for their own actions and involvement.

O.N.A.K.A.I. is determined to provide a positive environment for children where risk is managed appropriately. O.N.A.K.A.I. is committed to promoting and organising recreational and competitive activities and events throughout Ireland; and to select and train competitors to represent Ireland at national and international events.



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Every individual in O.N.A.K.A.I. should show respect and understanding for each member's rights, development, safety, and welfare by conducting themselves in accordance with the ethos and principles of O.N.A.K.A.I. and this document.

All adults involved in O.N.A.K.A.I. should be aware of their responsibility and obligations in protecting and promoting the welfare of children and vulnerable people involved in the sport to enable safe participation for fun and in the spirit of fair play.

O.N.A.K.A.I. recognises and acknowledges the following documentation as guidance in preparation of this Policy and Procedures:

Sport Ireland's Safeguarding Guidance for Children & Young People in Sport

National policy and legislation in ROI

Children First: National Guidance for the Protection and Welfare of Children 2017, and the requirements under The Children First Act 2015, and in

Northern Ireland – the Children (NI) Order and Cooperating to Safeguarding Children and Young People 2017.

Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child, The Child Care Act 1991, The Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

In Northern Ireland guidance is also from Safeguarding Vulnerable Groups (NI) Order 2007 and Protection of Freedoms Act 2012.

PRINCIPLES

1. Karate shall be a fun, healthy experience for all
2. We will encourage inclusivity for all - #karateisforeveryone
3. We will promote fair play, respect, ethics, integrity, equality, and safety
4. We will foster the best practice in safeguarding procedures and policies

Each of the above principles is a key part of safeguarding children and should be closely adhered to by all our member clubs and associations.

Safeguarding Requirements

1. O.N.A.K.A.I. has appointed a National Children's Officer (NCO) to safeguard the well-being and interests of children, young and vulnerable persons within our Membership.
Advice should be sought from the NCO Officer where children are impacted by national policy and for guidance on implementation and monitoring of safeguarding policy.



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O.N.A.K.A.I. members are required to maintain an appropriate safeguarding policy and abide by the appropriate code of conduct.

2. O.N.A.K.A.I. has, in consideration of 60% of our membership being children, made the requirement of membership that:
 1. Member Clubs and Associations appoint a Club Children's Officer (CCO)
 2. Ensure that all their Instructors undertake appropriate training in Safeguarding.1
 3. All Instructors, and assistant instructors undertake O.N.A.K.A.I. Introduction to Coaching Course
 4. All Instructors, CCOs and volunteers in regular contact with children undertake Garda Vetting through O.N.A.K.A.I.
 5. All Instructors undertake Sport 1st Aid

In addition, all clubs are also required to have a safety statement and risk assessment adopted, for which template maybe found here

[Generic-Child-Safeguarding-Statement-CLUB.docx](#)

[Generic-Risk-Assessment-CLUB.docx](#)

3. Members of O.N.A.K.A.I. Executive, associated sub-committees and appointed Coaches must undertake Safeguarding 1 as the minimum requirement in understanding of need of children, young and vulnerable people
4. Volunteers
Any other member of O.N.A.K.A.I. who may not be involved with the Executive, a sub-committee or as a member of a club is still required to fulfil certain requirements where his/her role involves working with children. Any person working in this capacity is required to sign a code of conduct for their position as a tutor/coach/supervisor, undertake the basic child protection training as recommended and be successfully vetted by O.N.A.K.A.I. or provide [Self-Declaration for Occasional Roles](#).

Communication

Education



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O.N.A.K.A.I. recognises value of ongoing training and education of its staff, volunteers, and members to ensure the highest competencies within application of Karate and safeguarding of all its members and set minimum standards for the best practice. Our [Safeguarding Training and Education Policy](#) sets out the minimum required standards expected by O.N.A.K.A.I.

Clubs/Associations should ensure that they follow the guidance set out in the [Recruitment Policy](#) when engaging new Instructors and seeking new volunteers.

Monitoring

O.N.A.K.A.I. will monitor the implementation and compliance with this document through the registration process and audit checks to ensure the requirements are being met within clubs. Clubs are required to name all club instructors, CCO and volunteers regularly dealing with children as part of their Registration and Renewal.

O.N.A.K.A.I.'s Registrar will hold the information on the O.N.A.K.A.I. Management system in accordance with our GDPR and Privacy Policies.

Clubs are required to ensure their club documentation acknowledges this document.

It is the responsibility of all adults, including parents and guardians, to ensure that these safeguarding requirements are in place and to respond appropriately to issues of poor practice, breaches of the codes of conduct and concerns or allegations of abuse. Where any of these safeguarding requirements are not being met they should be reported to the National Children's Officer as there maybe breaches of the codes of conduct requiring disciplinary action.

Advice and guidance on all the requirements for O.N.A.K.A.I. clubs and members can be sought from the NCO at safeguarding@onakai.ie

Codes of Conduct and Poor Practice

The codes of conduct identify a standard of behaviour to be applied to individuals working with children in sport that is based on recognised best practice for safeguarding children. Everybody has a duty to behave and work in a safe and responsible manner, including children; to ensure that the best possible environment is provided, and children have the opportunity to grow and develop; and to allow their chosen sport, Karate, become an integral part of their lives into the future.

Understanding poor practice is important in identifying the extent of any risk to children and the vulnerability of certain environments. This can provide a basis for training and up-skilling programmes to



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create an environment safe for children.

Poor Practice

Breaches of the code of conduct may be considered issues of poor practice, where the behaviour of coaches and members towards children in O.N.A.K.A.I. are not acceptable. Poor practice is dealt with through O.N.A.K.A.I.'s Complaints, Grievances and Discipline Policy and Procedures.

Any allegations of or incidents of poor practice concerning children/young/ vulnerable people should be referred to CCO /DLP or NCO.

Procedure for reporting concerns to the statutory authorities for investigation should be followed

Indicators of poor practice may include the following:

- Bullying behaviour such as repeatedly criticising a child, young or vulnerable person
- Unfair treatment by regularly leaving a member out of a group/squad although the child is meeting the criteria/reaching the standard required
- No recognition for skills/needs, not providing adequate instruction according to a child's ability
- Lack of supervision, for example where an instructor regularly not attending sessions
- Lack of encouragement for children with weaker skills
- Not listening to children's views and opinions
- Deliberate exclusion e.g., a coach is deliberately not allowing a child to have a go

In the first instance concerns should be reported to the Club/Association's CCO and if a solution cannot be found advice can be sought from the National Children's Officer.

It is important to help and support adults working with children to ensure they receive the training and up-skilling needed to create a child centred environment.

The Codes

Each code of conduct, whilst promoting the safe, fun and spirit of fair play ethos in sport, does recognise the different responsibilities each role brings. O.N.A.K.A.I. has developed the following summary codes outlining key aspect or obligations and responsibility.

Code for Children, Young and Vulnerable adults



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This code is predominantly for children under 18 and vulnerable adults, however, the same minimum level of behaviour is expected of adults.

Code for Parents/Guardians

Parents/guardians are recognised as those with the primary responsibility for the care and welfare of their own children, and as representatives of their child/children are subject to and should be aware of the policies and procedures of their club and O.N.A.K.A.I.

Code for Members, Coaches, Officials, Committee Members and Volunteers

This is O.N.A.K.A.I. Code of conduct applies to all members, coaches, officials, committee members and volunteers who train or are entrusted with the responsibility for training, instructing, officiating leading and helping within the membership of O.N.A.K.A.I.



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Defining Vulnerability

Children

Children are emotionally, physically and intellectually immature and vulnerable to demands of adults. However, there are reasons that contribute to some children being more vulnerable to abuse than others, e.g., a lack of language skills or cultural differences. Children with a disability may be more vulnerable to abuse. They may also have challenges communicating their concerns to others.

Adults

Vulnerable Person if the adult has a restricted capacity to guard himself/herself against harm or exploitation or to report such harm or exploitation. This may arise because of emotional physical or intellectual impairment and risk of abuse may be influenced by both context and individual circumstances.

Clubs seeking to include Vulnerable persons within their training sessions should comply with O.N.A.K.A.I. Inclusion Policy and are advised to undertake training provided by the Cara Centre details of which may be found at www.caracentre.ie

Understanding poor practice

Breaches of the code of conduct may be considered issues of poor practice, where the behaviour of leaders towards children in O.N.A.K.A.I. is not acceptable. Poor practice behaviour is severe, ongoing and reaches a level where there is a concern the behaviour is becoming abusive the procedures in this section for reporting concerns to the statutory authorities for investigation should be followed.

Defining and recognising abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse, including child sexual exploitation. A child may be subjected to one or more forms of abuse at any given time and children may be abused online and through the form of social media.

Children may be abused by someone other than an adult in the immediate family. This may happen where the child is in contact with a member of the extended family, a friend, an acquaintance, or a person whose professional activity brings them into contact with the child.



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More detail on each type of abuse can be found in Children First, National Guidelines for the Protection and Welfare of Children (Department of Health and Children, 2011) or Co-operating to Safeguard Children and Young People in Northern Ireland (2017)

Significant Harm

Any assessment of abuse is determined by the significant harm suffered by that child. Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.

Definition of Neglect

Neglect can be defined in terms of persistent omissions, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care. Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. 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.

GUIDELINES FOR RECOGNITION OF ABUSE

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information.

There are commonly three stages in the identification of child abuse:

1. Considering the possibility of abuse

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason, displays persistent or new behavioural problems or unusual or fearful responses to parents/carers or older children.

2. Awareness of the possible signs of abuse

Signs of abuse can show as physical injuries or behavioural or developmental changes. It is also important to consider that abuse is more common in relationships between children and parents/ carers or between children and other family members/other persons known to a child. A cluster or pattern of



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signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed or can make a direct disclosure. Disclosures from a child should always be believed and acted on.

Some signs are more indicative of abuse than others including:

- disclosure of abuse and neglect by a child
- age-inappropriate or abnormal sexual play or knowledge
- specific injuries or patterns of injuries
- absconding from home or a care situation
- a suicide attempts
- underage pregnancy or sexually transmitted disease
- signs in one or more categories at the same time, e.g., developmental delay, physical injury and behavioural signs together may indicate a pattern of abuse.

Most signs of abuse are non-specific and will be considered in the child's social and family context. It is important to always be open to alternative explanations for physical or behavioural signs of abuse. Sometimes, social workers will request a specialist assessment to clarify if concerns constitute abuse. Care should be taken as to how such information is stored concerning a child and to whom it is made available.

3. Recording of information

If abuse is suspected, it is important to establish the grounds for concern by recording as much detailed information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context, and any other information that may be relevant (see Appendix 2 - sample reporting form).

Children with special vulnerabilities

Certain children are more vulnerable to abuse than others including children with disabilities, those who are homeless and those who, for one reason or another are separated from their parents or other family members and depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse, and sexual abuse – are applicable, but may take a slightly different form e.g., deprivation of basic rights, harsh disciplinary regimes or inappropriate use of medications or physical restraints.

Points to remember:



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- The severity of a sign does not necessarily equate with the severity of the abuse
- Neglect is as potentially fatal as physical abuse
- Child abuse is not restricted to any socio-economic group, gender, or culture
- Challenging behaviour by a child should not render them liable to abuse
- It is sometimes difficult to distinguish between indicators of child abuse and other adversities suffered by children
- The child's welfare must be the primary consideration
- The aim of child protection services is to promote positive and enduring change in the lives of children and families
- Society has a duty of care towards children

BASIS FOR REPORTING CONCERNS

This section offers guidance to all people, both professional and voluntary, working with or in direct contact with children who may be concerned or who suspect that children are being abused or at risk of abuse. It outlines the standard reporting procedure to be used in passing information to the statutory authorities about child protection concerns.

1. Responsibility to report child abuse

Anyone working with children should be alert to the possibility that children may be being abused and be aware of their responsibility to report these concerns to a Duty Social Worker in the Child and Family Agency (ROI) and in Northern Ireland the Local Health and Social Care Trust Gateway Team or NSPCC 24 hr helpline 0808 800 5000. This responsibility is particularly relevant to adults in clubs who have regular contact with children, i.e., coaches, instructors, children's officers.

If any Children's Officer has any doubts, they can in the first instance contact the National Children's Officer who may be able to provide them with advice and support.

Concerns about an adult whose behaviour appears to be a potential risk to children, even if the children are unidentifiable, should also be reported to the Child and Family Agency (TUSLA) or: Health and Social Services Trusts (NI).

2. Grounds for concern

The Child and Family Agency / Social Services should always be informed when there are reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse.

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



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- 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 e.g., a pattern of injuries, an implausible explanation, and 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.

The responsibility of deciding if a child has been abused lies with the Child and Family Agency / Social Services, not with the people working in our clubs or in O.N.A.K.A.I. However, all adults have a responsibility to protect children by reporting grounds for concern.

RESPONDING TO A DISCLOSURE

If a child discloses information of suspected abuse, you should:

- Be sensitive and listen to and allow the child to talk about the problem, this should not be done in an interview style, let the child tell the details of what happened
- Stay calm and not show any extreme reaction to what the child is saying
- 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
- Be honest with the child and tell them that it is not possible to keep that information a secret but you will maintain confidentiality and explain what you mean by this
- Make no judgmental statements about the person against whom the allegation is made
- Do not question the child unless what she or he is saying is unclear; any questions should be open and non-specific such as “Can you explain to me what you mean by that”
- Give an indication of what would happen next, such as informing the Child and Family Agency/Social Services gateway team: take care if the child has been threatened as they may be feeling vulnerable. If you are not sure do not say anything about what will happen next
- Carefully record the details
- Pass on this information to the relevant authority – this can either be directly or through the DLP/NCO
- Reassure the child that they have done the right thing in telling you.

Retrospective disclosures by adults

An increasing number of adults are disclosing abuse that took place during their childhood. Such



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disclosures can often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures. If there is any potential risk to any child, the disclosure must be reported to the relevant authority immediately.



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REPORTING PROCEDURE

Any person reporting a child abuse concern should do so without delay to the relevant authority. A report can be made in person, by telephone or in writing, and contact details for the local services can be found in Appendix 1.

Recording information

1. Observe and note dates, times, locations, and contexts in which the incident occurred, or suspicion was aroused, together with any other relevant information.
2. Inform the club CCO or DLP or O.N.A.K.A.I. NCO
3. If there are reasonable grounds for suspecting that the child has been abused or is at risk of abuse, the report should be submitted to the relevant authority, who has statutory responsibility to investigate and assess suspected or actual child abuse.
4. Complete Accident/Incident form

Informal Consultation

If the CCO or DLP is unsure whether there are reasonable grounds for concern s/he can informally consult with the National Children's Officer giving an outline of the concerns (it is not necessary to give the details of those involved at this stage).

It is essential that no investigation of child abuse is carried out by anyone other than the statutory authorities.

Making the report

If a formal report is required, then it should be given by the Designated Liaison Person to the statutory authorities in person or by phone and always followed up in writing, on the standard Reporting Form (see Appendix 2), with a copy being securely kept by the Designated Liaison Person.

Emergency Situations

Under no circumstances should a child be left in a situation that exposes him or her to significant harm or to risk of harm. In the event of an emergency where you believe a child is in immediate danger and you cannot get in contact with the relevant authority, you could contact the Garda/PSNI and discuss your concerns directly. (In Northern Ireland, Social Services operate a regional out of Hours Social Work Service, see contact details in appendices.)



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Club officers however must bear in mind that they have no statutory or legal powers to remove a child from their legal parent or guardian. They should not investigate, as it is the responsibility of statutory authorities to conduct any assessment and subsequent decisions.

See contact details in appendix 3.

Informing the family

The CCO/ DLP/NCO should let the social worker know if the family are aware of the report being submitted. The social worker should advise who is best placed and when to inform the parents/carers if a report has been submitted to the Child and Family Agency/Gateway team or to An Garda Síochána/ Police Service of Northern Ireland to ensure doing so does not place the child in further danger. The Child and Family Agency/Gateway Team cannot guarantee that someone who makes a report concerning a child will remain anonymous but all efforts to protect the person disclosing will be made. The information may be sought and given within judicial proceedings. There is some privacy under the Data Protection Acts, however if the information is sought directly within legal proceedings there is no guarantee of remaining anonymous.

Submitting the Reporting Form

The standard Reporting Form should be used by all volunteers when reporting child welfare and protection concern to the relevant authority. If the report is made by telephone, the form should be completed and forwarded subsequently to the appropriate authority. A copy must be kept by the Designated Liaison Person in a secure location.

Information required when completing a Reporting Form

The ability of the duty social worker to assess suspicions or allegations of child abuse will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much detail on the form should be provided without needing to search out information or interview the family or others e.g., the child's school. It is sufficient to give the details available to the club at the time.

Internal Allegations of Abuse against O.N.A.K.A.I. members

The same reporting process must be followed. See the Responsibility to report child abuse section above. The welfare of the child is paramount, and consideration must be given to all other children that the individual may have been in contact with. All children should be protected.



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The Designated Liaison Person should, following consultation with the statutory authorities (if the matter is potential abuse), inform the adult concerned confidentially that:

- (a) that an allegation has been made against him/her and
- (b) the nature of the allegation.

The member should be asked to step aside from any involvement with children pending the outcome of the investigation as a precautionary measure. This action will not prejudice any later disciplinary proceedings. All matters involving this case can only continue once the statutory authorities' investigation into the concern/ complaint is complete.

The NCO should be informed in confidence by the CCO/DLP of the club that a member has been asked to stand aside. They should keep in touch until there is a definite outcome from the statutory authorities. The NCO will inform the Executive of O.N.A.K.A.I. that they are liaising with statutory authorities about a safeguarding issue while maintaining confidentiality.

The issue of confidentiality is very important. Information is on a need-to-know basis and must follow the requirements of GDPR, informing only those people for the necessity of protecting children. Adult against whom the allegation is made should be treated with respect and fairness. It is important that the rights of both the child and the person about whom the allegation has been made are protected.

Following the outcome of the investigation by the statutory authorities O.N.A.K.A.I. will follow up with a formal procedure depending on the outcome of the investigation:

- a) If there is no further action by the statutory authorities, then the matter should be considered under poor practice and be subject to a disciplinary process.
- b) If the statutory authorities proceed with action the position of person, the allegation is against will be guided by advice from statutory authorities.

All contact with the leader throughout the process must be confirmed in writing and all information should be stored in a secure place, with access restricted to authorised personnel.

External Allegations of Abuse against O.N.A.K.A.I. members

If an allegation of abuse/concern is made against an O.N.A.K.A.I. member where matter is external to O.N.A.K.A.I. the person still may be required to step aside from their position within O.N.A.K.A.I.

The following points should be considered:

1. The details must be passed on to the NCO. It will be the responsibility of the NCO to liaise and verify the information with the organisation/body responsible for raising the concern.



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2. The adult against whom the allegation has been made will be contacted by the NDLP and asked to step down in accordance with above process and following advice from statutory authorities.
3. In order to safeguard and protect children the CCO/DLP of any club in which the person is working should be informed that the member has stepped aside, to ensure the club do not engage the adult until the matter has been resolved.
4. Vigilance should be observed in any group that the adult may have been in contact with, to ensure there has been no impact.
5. As with the procedure above all contact with the individual should be confirmed in writing and any information should be stored in a secure place with access restricted to authorised personnel.

Exclusion from O.N.A.K.A.I membership

If a person is expelled from any position in a club or in O.N.A.K.A.I. due to child protection concerns, the Designated Liaison Person should make a report of the action taken and the concerns reported to the Child and Family Agency or Health and Social Care Trust (NI). All child welfare or protection concerns must be reported.

Referring someone to the Disclosure and Barring Service (DBS)

In Northern Ireland O.N.A.K.A.I. clubs have a legal duty to refer someone to the DBS (www.gov.uk/government/publications/dbs-referrals-form-andguidance) if they have followed their organisations disciplinary procedures and:

- sacked or removed the person from their voluntary/paid role because they harmed a child or vulnerable adult,
- sacked them or removed them from working in regulated activity (<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>) because they might have harmed a child or adult otherwise; or
- where planning to sack or remove them for either of these reasons, but the person resigned first.

For further information or help referring someone to the DBS, contact the DBS referrals helpline. Telephone: 03000 200 190. Any NI clubs removing someone for safeguarding concerns should seek advice from O.N.A.K.A.I. NCO.

An employer or voluntary club/organisation is breaking the law if they do not refer someone to the DBS in any of the above circumstances.

Common impediments to adults reporting child abuse

Adults remain disbelieving at times that abuse towards children occurs and there may be some reluctance to report:



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- There is a disbelief that a parent/guardian or person given the responsibility to care for children would hurt or neglect them
- It can be difficult to distinguish between abusive situations and other social problems
- The family or alleged perpetrator is known to you
- There is an uncertainty or fear around the reporting process or repercussions
- Lack of confidence in the services to provide for the child

Confidentiality

The effective protection of a child often depends on sharing and exchanging relevant information. It is therefore critical that there is a clear understanding of responsibilities about confidentiality and the exchange of information. All information regarding concern or disclosure of child abuse should be shared on 'a need to know' basis in the interests of the child.

No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled confidentially taking full account of legal requirements. Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

It must be clearly understood that information that has been received for one purpose (i.e., concerning the abuse of a child) must not be used for another without consulting the person who provided that information.

Legal protection

In Ireland, 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 the Child and Family Agency or to any member of An Garda Síochána. This protection applies to organisations as well as to individual, meaning that even if a communicated suspicion of child abuse proves unfounded, a complainant 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. A full list of the relevant legislation concerning child welfare and protection are provided in Appendix 1.



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This law does not exist in Northern Ireland, but an individual who reports a concern in 'good faith' is not deliberately attempting to slander another person's name. In Northern Ireland there is legislation, the Criminal Law Act (NI) 1967 which places the responsibility on everybody to report offences or to forward information to the police by emphasising the duty of every other person, who knows or believes:

- a) that the offence or some other arrestable offences has been committed; and
- b) that he has information, which is likely to secure, or to be material assistance in securing, the apprehension, prosecution or conviction of any person for that offence.'

Freedom of information (Ireland)

There is a requirement in child welfare and protection cases to share relevant information, but records are nevertheless confidential. This information does not belong to individuals (except for independent practitioners) and is the property of the organisations that keep them. Under the Freedom of Information Act, 1997, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete, or misleading. Members of the public also have a right to be given reasons for decisions made concerning them. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner.

The Data Protection Acts 1988 and 2003 afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access applies to records held by An Garda Síochána. However, the right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making child welfare report in response to a request under the Data Protection Acts.

A full list of the relevant legislation concerning child welfare and protection is provided in Appendix 1.

Concerns or cases not reported

In those cases where O.N.A.K.A.I. or a club cannot find reasonable grounds for concern and decides not to report to matter to the statutory authorities, the individual who raised the concern should be given a clear written statement of the reasons why the organisation or club is not taking such action. The person should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to the statutory authorities. The provisions of the Protections for Persons reporting Child Abuse Act, 1998 apply once they communicate 'reasonably and in good faith' where applicable (i.e., in Ireland).



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Anonymous complaints can be difficult to deal with but should not be ignored. In all cases the safety and welfare of the child/children is paramount. Any such complaints relating to inappropriate behaviour should be brought to the attention of the CCO/DLP. The information should be checked out (not an investigation) and handled in a confidential manner.

Rumours should not be allowed to hang in the air. Any rumours relating to inappropriate behaviour should be brought to the attention of the CCO/DLP who should decide whether there is substance to the rumours. They can seek advice from the National Children's Officer.

Applicable legislation and websites

- Children First Act 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017
- Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice
- The United Nations Convention on the Rights of the Child
- The Child Care Act 1991
- The Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006
- Criminal Justice (Withholding of Information on Offences Against Children & Vulnerable Persons) Act 2012
- Criminal Law (Sexual Offences) Act 2017
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016
- Child Protection in Northern Ireland Legislation, policy, and guidance
- Safeguarding Vulnerable Groups (NI) Order 2007
- Protection of Freedoms Act 2012
- Access NI Code of Practice (NI)
- Children (NI) Order 1995 (NI) Children's Services Co-operation Act (Northern Ireland) 2015 (NI)
- Club Framework for Safeguarding Standards in Sport
- Co-operating to Safeguard Children and Young People 2017
- Criminal Law Act (Northern Ireland) 1967 (NI)
- General Data Protection Regulation (EU) 2016/679 (GDPR)
- Part V of the Police Act 1997 (NI)
- Rehabilitation of Offenders (Exceptions) (Northern Ireland)
- Order 1979 (as amended 2013) (NI)
- Safeguarding Board Act (Northern Ireland) 2011 (NI)



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- Sexual Offences (NI) Order 2008

www.sportireland.ie

www.sportni.net

www.thecpsu.org.uk

www.dataprotection.ie

Useful Contacts

Republic of Ireland

Sport Ireland, The Courtyard, National Sports Campus, Blanchardstown, Dublin 15
Tel No. 01-8608800 www.sportireland.ie

ISPCC
20 Molesworth Street
Dublin 2
01 6794944 ispc@ispc.ie
ISPCC Childline 1800 666666 (Freephone)

Child and Family Agency
<http://www.tusla.ie/>

Northern Ireland

Child Protection in Sport Unit NSPCC
Jennymount Business Park North Derby Street Belfast BT 15 3HN
02890 351135 www.thecpsu.org.uk
NSPCC Helpline 0808-800 5000 (Freephone) Childline (UK) 0800 1111
Northern Ireland Commissioner for Children & Children,
Telephone (028) 9031 1616 www.niccy.org



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The National Adults Counselling Service

Health and Social Care Trusts

Regional Emergency Social Work service (out of hours).

24 hour cover over public holidays. 028 9504 9999

Northern HSC Trust Tel: 03001234333

South Eastern HSC Trust Tel: 03001000300

Southern HSC Trust Tel: 08007837745

Belfast HSC Trust Tel: 028 90 507000

Western HSC Trust Tel: 028 71314090

PSNI Public Protection Units

PSNI Child Abuse and Rape Enquiry Unit 028 9065 0222

Sport Northern Ireland

Sport NI 028 9038 1222

www.sportni.net



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