

Sainmhíniú agus Aithint Mhí-úsáide Leanáí



Forais Réasúnta Imní /An Tairseach Díobhála

Reasonable Grounds for Concern / Threshold of Harm

Forais Réasúnta Imní Reasonable Grounds for Concern

Éilítear le Tús Áite do Leanáí: Treoir Náisiúnta 2017 gur chóir Tusla a chur ar an eolas i gcónaí nuair a bhíonn forais réasúnta imní ag duine go ndearnadh mí-úsáid ar leanbh, go bhfuil mí-úsáid á déanamh ar leanbh, nó go bhfuil riosca ann go ndéanfaí mí-úsáid nó faillí ar leanbh.

Áirítear leis forais réasúnta d'ímní cosanta nó leasa faoi leanbh:

- Fianaise (m.sh. gortú nó iompar) ar comhsheasmhach í leis an mí-úsáid agus nach dócha go raibh cúis éigin eile leo ar bhealach ar bith eile
- Imní ar bith faoi mhí-úsáid ghnéasach fhéideartha
- Comharthaí comhsheasmhacha go bhfulaingíonn an leanbh le faillí mhothúchánach nó chorpartha
- Leanbh a deir nó a thugann le fios ar bhealach éigin eile go ndearnadh mí-úsáid dóibh
- Admháil nó tásc le duine fásta nó le leanbh faoi mhí-úsáid líomhnaithe a rinne siad
- Cuntas ó dhuine a chonaic an leanbh á mí-úsáid

An Tairseach Díobhála Threshold of Harm

De réir Alt 2 den Acht um Thús Áite do Leanáí 2015 is mar seo a leanas an tairseach “díobhála” shainmhínithe maidir le leanbh:

“harm means, in relation to a child-

(a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or

(b) sexual abuse of the child,

whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise;”

“ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;”

“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;”

“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child”

Failí Neglect

Tarlaíonn an fhaillí nuair nach bhfaigheann leanbh dóthain cúraim nó maoirseachta sa mhéid agus go ndéantar díobháil cholanda nó fhorbartha don leanbh. Sainmhínítear í go ginearálta i dtéarmaí an chúraim,

mar a mbíonn sláinte, forbairt nó leas linbh lagaithe de bharr easpa bia, éadaí, teasa, sláinteachais, cúraim leighis, spreagtha intleachtúil nó maoirseachta agus sábháilteachta.

Is gnéithe iad seo a leanas den fhaillí linbh:

- Leanáí fágtha ina n-aonar gan dóthain cúraim agus maoirseachta
- Míchothú, easpa bia, bia mí-oiriúnach nó beathú neamhrialta
- Gan forás ar chúis neamhorgánach, .i. leanbh gan bheith ag méadú ina meáchan; ní hamháin de bharr míchothaithe ach de bharr díothachta mothúchánaí freisin
- Teip chun dóthain cúraim a sholáthar d'éilimh leighis agus forbartha an linbh, lena n-áirítear spreagadh intleachtúil
- Coinníollacha cónaithe neamhdhóthanacha - coinníollacha míshláintiúla, saincheisteanna comhshaoil, lena n-áirítear easpa teasa agus troscáin leordhóthanaigh
- Easpa éadaí cuí
- Neamhaird don sláinteachas bunúsach
- Easpa cosanta agus nochtadh don chontúirt, lena n-áirítear contúirt mhorálta, nó easpa maoirseachta iomchuí d'aois an linbh
- Loiceadh marthanach chun freastal ar scoil
- Tréigean nó fágáil

Sainmhínítear an fhaillí mar *“leanbh a fhágáil gan dóthain bia, teasa, éadaí, sláinteachais, maoirseachta, sábháilteachta nó cúraim leighis”*.

Baintear amach an tairseach díobhála nuair a bhíonn eolas, creideamh nó amhras réasúnta aige nó aici go bhfuil faillí déanta ar riachtanais linbh, go bhfuil faillí á déanamh ar riachtanais linbh no go bhfuil an baol ann go ndéanfaí faillí ar riachtanais linbh, faillí chomh mór sin go bhfuil sí tar éis dul i gcion, nó go bhfuil sí ag dul i gcion nó go bhfuil an dealramh ann go rachaidh sí i gcion ar shláinte, forbairt nó leas an linbh.

Mí-úsáid Mhothúcháinach/Drochíde Emotional Abuse/Ill-Treatment

Is ionann mí-úsáid mhothúcháinach agus drochíde chórasach mhothúcháinach nó shíceolaíochta an linbh mar chuid den chaidreamh for-iomlán idir cúramóir agus leanbh. Tarlaíonn an mhí-úsáid nuair nach sásaítear éileamh bunúsach linbh d'aird, cion, dearbhú, comhsheasmhacht agus slándáil, de bharr éagumais nó neamhshuime óna dtuismitheoirí nó óna gcúramóir.

Bheadh imní réasúnta do leas an linbh ann nuair a éiríonn an t-iompar ina ghné choitianta sa chaidreamh idir an leanbh agus an tuismitheoir nó an cúramóir.

Is féidir an mhí-úsáid mhothúcháinach a aithint i gcuid de na bealaí seo a leanas:

- Diúltú
- Easpa compoird agus grá
- Easpa ceangail
- Easpa spreagtha iomchuí (m.sh spraoi agus súgradh)
- Easpa leanúnachais chúraim (m.sh. gluaiseachtaí rialta, go háirithe cinn neamhphleanáilte)
- Easpa leanúnach molta agus spreagtha
- Cáineadh, searbas, naimhdeas nó milleán buanseasmhach ar an leanbh
- Tromaíocht
- Tuismitheoireacht choinníollach ina mbraitheann cúram nó cion don leanbh ar a gcuid iompair nó gníomhartha

- Róchosantacht mhíchuibheasach
- Pionós neamhchorpartha míchuí (m.sh. leanbh a chur faoi ghlas i seomra leapa)
- Coimhlintí teaghlaigh leanúnacha agus foréigean teaghlaigh
- Ionchais rí-míchuí de leanbh i gcoibhneas lena n-aois agus lena gcéim forbartha

Sainmhínítear an drochíde mar: *“leanbh a thréigean nó bheith cruálach le leanbh, nó bheith ina cúis le tréigean nó le drochíde chruálach nó chun iad a sholáthar nó chun ligean dóibh tarlú”.*

Baintear amach an tairseach díobhála nuair a bhíonn eolas, creideamh nó amhras réasúnta aige nó aici go bhfuil drochíde déanta ar leanbh, go bhfuil drochíde á déanamh ar leanbh nó go bhfuil an baol ann go ndéanfaí drochíde ar leanbh, drochíde chomh mór sin go bhfuil sí tar éis dul i gcion, nó go bhfuil sí ag dul i gcion nó go bhfuil an dealramh ann go rachaidh sí i gcion ar shláinte, forbairt nó leas an linbh.

Mí-úsáid Chorpartha *Physical Abuse*

Is ionann an mhí-úsáid chorpartha agus pé uair a dhéanann duine éigin díobháil chorpartha do leanbh d’aontoil nó a chuireann iad i mbaol bheith gortaithe go colanda. Féadann sí tarlú mar theagmhas amháin nó mar phatrún teagmhas.

Bíonn imní réasúnta ann mar a ndéantar, nó mar a bhféadfadh díobháil bheith déanta do shláinte agus/nó forbairt an linbh mar thoradh ar mhí-úsáid chorpartha amhrasach.

Is féidir na gnéithe seo a leanas a áireamh leis an mí-úsáid chorpartha:

- Pionós corpartha
- Greadadh, buille boise, bualadh nó ciceáil
- Brú, creathadh nó caitheamh
- Baint liomóg, baint plaice, tachtadh nó tarraingt gruaige
- Úsáid an fhórsa iomarcaigh le láimhsiú
- Nimh a thabhairt do dhuine d’aonghnó
- Plúchadh
- Tinneas cumtha/spreagtha
- Ciorrú baill ghiniúna ban

Baintear amach an tairseach díobhála, nuair a bhíonn eolas, creideamh nó amhras réasúnta aige nó aici go bhfuil ionsaí déanta ar leanbh, go bhfuil ionsaí á dhéanamh ar leanbh nó go bhfuil an baol ann go ndéanfaí ionsaí ar leanbh agus, dá thoradh sin, go bhfuiltear tar éis dul i gcion, nó go bhfuiltear ag dul i gcion nó go bhfuil an dealramh ann go rachfar i gcion go tromchúiseach ar shláinte, forbairt nó leas an linbh.

Drochúsáid Ghnéasach *Sexual Abuse*

Tarlaíonn mí-úsáid ghnéasach nuair a bhaineann duine éigin eile leas as leanbh dá sásamh nó dá spreagadh ghnéasach, nó do shásamh nó spreagadh daoine eile.

Áirítear léi baint an linbh le gníomhartha gnéis (glacaireacht, muirniú, gnéas béil nó treáiteach) nó nochtadh an linbh do ghníomhaíocht ghnéasach go díreach nó tríd an bpornagrafaíocht.

Ba chóir go meabhrófaí go bhféadann an ghníomhaíocht ghnéasach le duine óg bheith ina drochúsáid ghnéasach fiú mura n-aithníonn an duine óg i gceist í mar mhí-úsáideach.

Áirítear na samplaí seo a leanas leis an mí-úsáid ghnéasach leanaí:

- Gníomh gnéasach ar bith a dhéantar d'aontoil i láithreach linbh
- Cuireadh chun méirínteachta gnéasaí nó méirínteacht nó ainteagmháil d'aonghnó ar chorp linbh, bíodh sí ag duine nó ag oibiacht éigin chun críche an spreagtha nó an tsásaimh ghnéasaigh
- Glacaireacht i láithreach linbh nó baint linbh le gníomh glacaireachta
- Comhriachtain ghnéasach le leanbh, bíodh sí ina gnéas béil, faighne nó tóna
- Dúshaothrú gnéasach linbh, lena n-áirítear:
 - Cuireadh, spreagadh nó comhéigniú linbh chun bheith páirteach sa striapachas nó i dtáirgeadh na pornagrafaíochta linbh [mar shampla, nochtadh, mainicíneacht nó galamaisíocht chun críche an spreagtha, an tsásaimh ghnéasaigh nó gnímh ghnéasaigh éigin, lena n-áirítear a thairseach (ar scannán, fístéip nó meáin eile) nó mí-ionramháil, chun na gcríoch úd, d'iomhá le ríomhaire nó le bealach éigin eile]
 - Cuireadh a thabhairt do, comhéigniú nó spreagadh do leanbh chun bheith páirteach in aon ghníomh gnéasach, mígheanasach nó gáirsiúil, nó chun féachaint orthu
 - Ábhar gáirsiúil a thaispeáint do leanaí, ar minic é ina ghné den phróiseas 'mealltóireachta' ag na daoine a dhéanann mí-úsáid
- Nochtadh linbh d'ábhar míchuí nó mí-úsáideach trí theicneolaíocht faisnéise agus cumarsáide
- Gníomhaíocht ghnéasach chomhthoiliúil lena mbaineann duine fásta agus duine faoi aois

Bíonn oibleagáid reachtúil ar mhúinteoir cláraithe mar dhuine sainordaithe tuairisciú chuig Tusla faoin Acht um Thús Áite do Leanaí 2015 nuair a bhíonn eolas, creideamh nó amhras réasúnta aige nó aici go bhfuil drochúsáid ghnéasach déanta ar leanbh, go bhfuil drochúsáid ghnéasach á déanamh ar leanbh no go bhfuil an baol ann go ndéanfaí drochúsáid ghnéasach ar leanbh.

Os rud é go mbaineann gach Mí-úsáid ghnéasach leis an gcatagóir díobhála a théann I gcion go tromchúiseach ar shláinte, leas nó forbairt linbh, ní mór gach ábhar imní faoi dhrochúsáid ghnéasach a thaisceadh mar thuairisc shainordaithe chuig Tusla.

Nochtuithe maidir le mí-úsáid a fhaightear ó leanbh nó ó dhuine óg - *Leagtar amach i Tús Áite do Leanaí: Treoir Náisiúnta 2017 go mbíonn oibleagáid ar dhaoine sainordaithe, sa chás go bhfaigheann siad nochtadh díobhála ó leanbh atá ag nó os cionn na tairse díobhála tuairisc shainordaithe faoin gcúis imní a dhéanamh chuig Tusla.*

Tromaíocht

Aithnítear go dtéann an tromaíocht i bhfeidhm ar bheatha líon méadaitheach leanaí, agus is féidir imníocha fíora a ghiniúint léi faoi leas linbh.

Leagtar amach in Tús Áite do Leanaí: Treoir Náisiúnta 2017 gur féidir an tromaíocht a shainmhíniú mar ionsaí athfhillteach – bíodh sé íde béile, síceolaíochta nó fisiciúil – a dhéanann duine aonair nó grúpa i gcoinne daoine eile. Áirítear léi nósanna iompair ar nós ionsaitheachta fisiciúla, an chibearthromaíocht, damáiste do mhaoin, imeagla, leithlisiú/eisiamh, maslú, béadán mailíseach agus sracadh. Is féidir leis an tromaíocht bheith mar mhí-úsáid freisin bunaithe ar aitheantas inscne, rogha ghnéasach, cine, eitneachas agus fachtóirí reiligiúnacha. Is amhlaidh i gcás na bhforbairtí sa teicneolaíocht nua-aimseartha gur féidir le leanaí bheith ina

n-íospartaigh freisin don tromaíocht neamhtheagmhálach, trí mheán na bhfón póca, an idirlín agus na ngaireas pearsanta eile.

Tá údaráis na scoile freagrach as aghaidh a thabhairt ar an tromaíocht sa scoil. Tá ceanglas ar údaráis scoile cód iompair agus beartas frith-thromaíochta a bheith i bhfeidhm, de réir “Gnásanna Frithbhulaíochta Bunscoile agus Iar-Bhunscoile” de chuid na Roinne (na Nósanna Imeachta Frith-thromaíochta) agus ciorcláin 0045/2013.

Sainmhíníonn na Nósanna Imeachta Frith-thromaíochta tromaíocht mar *"iompar diúltach neamhiarrtha, béil, síceolaíoch nó fisiceach a dhéanann duine aonair nó grúpa i gcoinne duine eile (nó daoine) agus a athdhéantar le himeacht ama"*. Sa chomhthéacs de na Nósanna Imeachta Frith-thromaíochta meastar gur iompar tromaíochta freisin é "teachtairacht phoiblí nó íomhá nó ráiteas aon-uair atá gránna nó mailíseach a chur ar laithreán líonra sóisialta nó ar fhóram poiblí eile is féidir le daoine eile an teachtaireacht, an íomhá nó an ráiteas sin a fheiceáil agus/nó a athdhéanamh".

Ba chóir go mbeadh an lucht foirne scoile ar an eolas faoi bheartas frith-thromaíochta na scoile agus na nósanna imeachta atá le leanúint maidir le haon teagmhas tromaíochta a líomhnaítear.

Definition and Recognition of Child Abuse



Reasonable Grounds for Concern / Threshold of Harm

Forais Réasúnta Imní / An Tairseach Díobhála

Reasonable Grounds for Concern Forais Réasúnta Imní

The Children First National Guidance 2017 requires that Tusla should always be informed where a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

Reasonable grounds for a child protection or welfare concern include:

- Evidence (e.g. injury or behaviour) that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

Threshold of Harm An Tairseach Díobhála

In accordance with section 2 of the Children First Act, 2015 the defined threshold of “harm” in relation to a child is as follows:

“harm” means, in relation to a child-

(a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or

(b) sexual abuse of the child,

whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise;”

“ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;

“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;

“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.”

Neglect Failí

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision and safety.

The following are features of child neglect:

- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Neglect is defined as "to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care".

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Emotional Abuse/Ill-Treatment Mí-úsáid Mhothúcháinach/Drochíde

Emotional abuse is the systematic emotional or psychological ill treatment of a child as part of the overall relationship between a caregiver and a child. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment

- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child is made contingent on his or her behaviours or actions
- Extreme over-protectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his or her age and stage of development

Ill-treatment is defined as: “to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated”.

The threshold of harm at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Physical Abuse Mí-úsáid Chorphartha

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents.

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Sexual Abuse Drochúsáid Ghnéasach

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of the child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

If as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015. As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated person to Tusla.

Disclosures of abuse from a child or young person - *Children First National Guidance 2017 outlines that mandated persons who receive a disclosure of harm from a child, which is at or above the threshold of harm make a mandated report of the concern to Tusla.*

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. It includes behaviours such as physical aggression, cyber bullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of identify abuse based on gender, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

School authorities are responsible for dealing with school based bullying behaviour. School authorities are required to have a code of behaviour and an anti-bullying policy in place in accordance with the Department's "Anti-Bullying Procedures for Primary and Post-Primary Schools" (the Anti-Bullying Procedures) and Circular 0045/2013.

The Anti-Bullying Procedures define bullying as *“unwanted negative behaviour, verbal, psychological or physical conducted by an individual or group against another person (or persons) and which is repeated over time”*. In the context of the AntiBullying Procedures *“placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people”* is also regarded as bullying behaviour.

School personnel should be aware of their school’s anti-bullying policy and the procedures to be followed in relation to any alleged bullying incidents.