

CHILD SAFEGUARDING POLICY



THE GATE THEATRE
September 2022
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Introduction

The Gate Theatre is committed to working in a child centred way when engaging with children as cast members or audience members. Under the Children First Act 2015, The Gate is deemed a relevant organisation and as such has developed a Child Safeguarding Statement and this Policy. We are committed to ensuring that The Gate and its staff and partners will work to keep children safe from harm while working with us or attending our shows.

We have conducted a risk assessment to identify possible harm to a child while at The Gate. We have developed procedures to manage the risks identified. In addition, we have developed procedures to:

- Investigate allegations of harm to a child while at The Gate
- Investigate an allegation against any staff member about any act, omission or circumstance in respect of a child availing of the service
- Select and recruit staff who are suitable to work with children
- Provide information and training to staff on child safeguarding issues
- Enable staff members, whether mandated persons or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister for Children and Youth Affairs
- Appoint a Designated Liaison Person (DLP) and Deputy DLP

The risk assessment and mitigations have guided the development of The Gate's Child Safeguarding Statement. This statement outlines the principles and procedures to be observed in order to ensure, as far as practicable, that a child attending the Gate is safe from harm. The Child Safeguarding Statement and this Policy has also been developed in line with guidelines issued by the Minister for Children and Youth Affairs, Tusla, the Children First Act 2015 and Children First, National Guidance for the Protection and Welfare of Children, 2017.

The Child Safeguarding Statement will be provided to all workers and volunteers, displayed on publicly, and made available to parents/guardians/primary carers, Tusla and members of the public upon request.

Key Principles:

Safeguarding and promoting children's and young people's rights in The Gate means;

- The best interests of the child are to be paramount;
- The safety and welfare of children is everyone's responsibility;
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved;
- Parents/guardians have a right to respect, and should be consulted and involved;
- Creating an environment, in which children are valued, encouraged and affirmed, have their rights respected and are treated as individuals;
- Taking steps to ensure that children know their rights and responsibilities;
- Eliminating possible any threatening, violent or degrading behaviour;
- We will adhere to our Child Safeguarding Statement and Policy to keep children as safe as possible.

Child Safeguarding Statement:



Child Safeguarding Statement Of The Gate Theatre

Service being provided: The Gate Theatre - Theatre

Nature of service and principles to safeguard children from:

The Gate Theatre is an artist-led organisation producing original work of world-class excellence which inspires, challenges and entertains our audiences. We develop and support emerging and established artists with ambition, talent and skill to produce new work, alongside reinvigorating existing work from the Irish and international canon. The ethos and vision of the Gate demands that we fulfil our social and cultural purpose as an international home for Irish artists and an Irish home for international artists, creating a 'world theatre' that leads cultural conversation for artists and audiences in a progressive and inclusive dialogue. Equality and diversity are at the core of the Gate's cultural values and we seek and deliver 'best in class' policies, shaping and leading new ways of thinking.

The Gate creates theatre for and with young people both, as well as on tours to venues around Ireland and internationally. This work may also at times be present in non-theatre settings.

The Gate Theatre is committed to the wellbeing of all children and young people working with and attending The Gate. We undertake to provide a safe environment and a positive experience. We will adhere to *Children First: National Guidance for the Protection and Welfare of Children (2017)*.

We have developed policies and procedures to ensure this commitment is enshrined in all aspects of The Gate's work. The Gate Theatre recognises it holds ultimate responsibility for the wellbeing of the children/young people who work with us, attend shows and are involved in ancillary activities. Our policies are relevant to all adults involved in The Gate Theatre's work with young people. Policies and required training will be made available to all relevant parties.

Risk Assessment:

We have carried out an assessment of any potential for harm to a child/young person while working with us or availing of our services including the area of online safety when accessing the internet. Below is a list of the areas of risk identified and the procedures for managing these risks.

#	Risk identified	Procedure in place to manage risk identified
1	Risk of young person being harmed by Gate Theatre personnel	The following have been developed to mitigate the risk: <ul style="list-style-type: none"> • Procedure for the safe recruitment and selection of workers and volunteers to work with Children including procedure for Garda Vetting. • Policy for the Supervision / training and support of staff. • Code of Behaviour to be adhered to by all staff, volunteers, contractors and artists.
2	Risk of harm to young person through bullying	The following have been developed to mitigate the risk: <ul style="list-style-type: none"> • Bullying, Harassment and Sexual Harassment Policy
3	Risk of harm to young person due to inadequate supervision	The following have been developed to mitigate the risk: <ul style="list-style-type: none"> • Code of Behaviour to be adhered to by all staff, volunteers, contractors and artists.
4	Risk of harm to a young person due to inappropriate relationship / communication	The following have been developed to mitigate the risk: <ul style="list-style-type: none"> • Code of Behaviour to be adhered to by all staff, volunteers, contractors and artists.

05/09/2022

#	Risk Identified	Procedures in place to manage risk identified
5	Risk of harm caused by Gate Theatre personnel communicating with young people in an inappropriate manner via social media, texting, digital device or other manner.	The following have been developed to mitigate the risk: = Code of Behaviour to be adhered to by all staff, volunteers, contractors and artists.
6	Risk of harm to a young person due to inappropriate use of young people's personal data.	The following have been developed to mitigate the risk: = Confidentiality Policy = Data Protection Policy
7	Risk of harm not being recognised by Gate Theatre personnel.	The following have been developed to mitigate the risk: = Reasonable grounds for concern guidelines = Procedure for provision of access to child safeguarding training and information
8	Risk of harm not being reported properly and promptly by The Gate Theatre personnel.	The following have been developed to mitigate the risk: = Roles & Responsibilities for relevant child safeguarding personnel = Recording Procedures = Reporting Procedures
9	Risk of continued harm arising from the mishandling of an allegation of misconduct or abuse by a young person against a member of The Gate Theatre	The following have been developed to mitigate the risk: = Guidelines for responding to a disclosure from a child/young person

Procedures:

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015 and Children First National Guidance for the Protection and Welfare of Children (2017). In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- Procedure for appointing Designated Liaison Person
- Complaints & Comments Procedures
- Garda Vetting Procedure
- Accident Procedure
- Policy for addressing allegations against staff
- Staff Management policy
- Recruitment & Selection Procedure
- Policy on involvement of parents/guardians/primary carers

All procedures listed are available upon request and Our Child Protection Policy is available on our website.

Implementation:

We recognise that implementation is an on-going process. Gate Theatre is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. This Child Safeguarding Statement was reviewed in March 2020 and will be reviewed in March 2022 or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed:  (Provider)
Colm O'Callaghan, Executive Director, The Gate Theatre

For queries, please contact Bob Kiernan, Bob.kiernan@gate-theatre.ie
Relevant Person under the Children First Act 2015
05/09/2022

2. CODE OF BEHAVIOUR:

The Gate Theatre's Code of Behavior has been developed to support staff, contractors and volunteers provide a child-centered approach for working with and delivering services to children and young people. It sets out what a child-centered approach means in The Gate Theatre, what is good practice, examples of inappropriate behaviour, what constitutes physical contact and how The Gate will ensure the health and safety of children who work with us and attend shows.

The Gate has developed their code of behaviour in consultation with children and young people we have previously worked with.

2.1 Code of Behaviour – A Child Centred approach:

A child centered approach is fundamental to safeguarding and promoting the welfare of every child or young person working at or attending The Gate. As an approach, it means keeping the child in focus when making decisions about their lives and working in partnership with them and their families. We will do this by:

- Treating all children and young people equally and as individuals;
- Listening to and respecting children and young people;
- Involving children and young people in decision-making, as appropriate;
- Providing encouragement, support and praise (regardless of ability);
- Using appropriate language (physical and verbal);
- Having fun and encouraging a positive atmosphere;
- Offering constructive criticism when needed;
- Respecting a child's or young person's personal space;
- Discussing boundaries on behaviour and related sanctions, as appropriate, with children and young people and their primary carers;
- Encouraging feedback from the group;
- Leading by example;
- Being aware of a child's or young person's other commitments when scheduling rehearsals or activities, e.g., school or exams;
- Being cognisant of a child's or young person's limitations, due to a medical condition for example;
- Creating an atmosphere of trust;
- Respecting differences of ability, culture, religion, race and sexual orientation.

On the first day of rehearsals, where children or young people are part of the cast, the Company with the junior cast members and their guardians are introduced to their Chaperone and protocols for work, breaks and safety are agreed and relevant information gathered (see Appendix 1 for an agenda/checklist for this session). Introductions will be made and nametags should be worn to ensure junior cast members know who the Stage Manager is. Boundaries on behaviour and physical contact and the approach of seeking agreement for all physical contact will be discussed in detail.

The Gate Theatre adheres to the working hours as set out in the Guide to Safety and Welfare Work Regulations 2007: Protection of Children and Young Persons.

2.2 Code of Behaviour – Good Practice:

The Gate recognizes that the welfare of children and young people come first, above all other considerations. To ensure that this is enabled, the following procedures and practices are in place to support Gate staff and contractors to implement a child-centred approach and ensure the welfare of each child and young person is safeguarded:

Procedures:

- Each child/young person working at The Gate will be registered, noting the following information - *name, address, phone, special requirements, attendance, emergency contact*;
- Primary carers, children/young people, visitors and facilitators will be made aware of the Gate's Child Safeguarding Policy and procedures;
- Emergency procedures are in place and all staff are made aware of these procedures;
- Reporting procedures are in place to ensure any concerns are raised with the Gate's Designated Liaison Person and formal reporting is conducted;
- The Gate's Bullying, Harassment and Sexual Harassment Policy is in place and all staff and contractors are made aware of it. Children and young people are encouraged to report any bullying, concerns or worries and will be made aware of The Gate's bullying policy. (For further information on anti-bullying policy see 'Our Duty to Care', Fact sheet 2, Department of Health and Children, 2002);
- Proper supervision based on adequate ratios according to age, abilities and activities involved are in place as per the Gate's policy on children and young people ratio's see Section 7.3;
- The Code of Behaviour, contained within this policy, acts as a guideline for staff and contractors to ensure clear communication between junior cast members and the organisation;
- Relevant Gate Theatre staff and contractors are required to familiarize themselves with this policy and engage with the required training – see Section 7.5;
- All policies and procedures are reviewed on a regular basis to ensure they are relevant and appropriate.

Practices:

- Report and record any incidents and accidents;
- Discuss any concerns regarding a child or young person with the DLP – never “wait and see”;
- Do not take a session with a child on your own. Where this is unavoidable, it should be conducted in an open environment with the full knowledge and prior consent of primary carers;
- Be inclusive of children and young people with special needs;
- Plan and be sufficiently prepared, both mentally and physically;
- Observe appropriate dress and behaviour;
- Keep primary carers informed of any issues that concern their children;
- Have a written agreement with any external organisation that an artist is working with;
- Unless expressly agreed in advance with a primary carer, never give a lift to a child/young person;
- Ensure the primary carer's permission is in place before allowing a child to use public transport, if travelling alone;
- Maintain awareness around language and comments made. If you think something may have caused offence or upset, address it immediately;
- Name tags for children must be removed before they leave the Gate Theatre;

- Engage with the Gate's DLP or Deputy DLP regarding any element of Child Safeguarding to ensure you are fully familiar and comfortable with all aspects of this policy and child safeguarding procedures and protocols.

2.3 Code of Behaviour – Behaviour to avoid:

To support staff and contractors to identify behaviours, which are contrary to a child-centred approach and which may previously have been acceptable, the following examples have been identified. It is important to note this list is not exhaustive and are a guide only.

- Avoid spending excessive amounts of time alone with children/young people;
- Do not use or allow offensive or sexually suggestive physical and/or verbal language;
- Do not single out a particular child/young person for unfair favouritism criticism, ridicule, or unwelcome focus or attention;
- Do not allow/engage in inappropriate touching of any form;
- Avoid and do not allow any physical harm to a child/young people;
- Do not socialise inappropriately with children/young people, e.g., outside of structured organisational activities;
- Do not smoke in presence of children at The Gate;
- Children will never be left on their own/unsupervised when in The Gate's buildings.

2.4 Code of Behaviour – Physical Contact:

As outlined previously, all required physical contact with a child/young person must be discussed at the outset of rehearsals in the presence of their primary carer. This will ensure all members of the Company are aware of the protocols concerning physical contact as follows:

- Always discuss each requirement for physical contact with the child/young person at the time. This does not apply in an emergency or a dangerous situation;
- Ensure that the child/young person understands the requirement for physical contact in the context of the work and that they are comfortable with it;
- All touch without prior consent is to be avoided;
- Ensure a Chaperone/Primary Carer is present for all touch exercises.

2.5 Code of Behaviour – Taking & the Use of Images of Children/Young People at The Gate:

Children/young people have the right to privacy and should not be exposed to unnecessary risk, therefore taking of or use of images in any medium must have prior parental/guardian (primary carer) consent. The Gate adheres to The Arts Council's guidelines for taking and using images of children and young people in the arts sector which can be found [here](#).

- Artists, volunteers, students and staff under contract to The Gate are not permitted to take images of children/young people for personal or external use without prior consent from parent/guardian.
- Images may only be taken by a designated Gate staff or by the media (or media collection agencies) with the prior agreement of The Gate Theatre and with parental/guardian consent.
- Artist's requesting use of images must apply to The Gate Theatre for permission for any use.
- Permission is granted at the discretion of The Gate Theatre management.

- The general public will be asked to refrain from using photographic devices of any medium whilst in The Gate Theatre except where show specific use of photographic devices is allowed. In such a case prior consent with parent/guardian will agreed.

2.6 Code of Behaviour - Online Safety (Including use of photography, video and/or social/digital media)

Mobile phones, social media, the internet, taking pictures and video footage and sending to friends and family members is now a part of day to day life. Children/young people are often users of social media but may not be fully aware of the risks involved. At The Gate we will comply with parent/guardian/primary carer guidance on access to online activity, within the following guidelines:

We will encourage parent/guardian/primary carer to:

- be aware of what sites children are accessing, what they do on these sites, why they access these sites, who they have contact with, how long they are on the internet, what are their worries are while using the internet and what supports are available for children;
- Be aware of warning signs of excessive or inappropriate ICT and social medial usage to aid early detection and intervention.
- Keep communication channels open can be helpful to discuss risky and safe behaviour (privacy settings, not using profile photos, not using own names), help to set up social networks, equip children with coping skills and information on where to get help, discuss opinions on the benefits and limitations of the internet, and talk to children about their online reputation.
- Set controls using security and filter software, supervise the time and place they use the internet, limit the time of access and regularly check user history.

We will:

- ensure our staff working with children/young people are familiar with social media language; for example, LMIRL (let's meet in real life), ASL (age, sex, location), NIFOC (nude in front of computer).
- Keep communication channels open with children.
- Create a healthy culture – agree basic usage rules, while at The Gate, together e.g. time limits and places of use (adults need to model these rules); make going online a daily event which allows adults to monitor and observe reactions.
- Ensure the policy and procedures for managing online safety are communicated to workers/volunteers, parents/ guardians and children & young people.
- Ensure workers/volunteers, parents and children and young people agree to and sign up to your code of behaviour;
- Obtain informed consent for filming/taking of photographs see 2.5.
- Ensure any complaints regarding online issues are responded to;
- Report breaches appropriately (internally and externally).

2.7 Code of Behaviour – Health & Safety of children/young people at The Gate Theatre

The Gate Theatre's Health & Safety policy, procedures and protocols apply and all staff are made aware of these and receive mandatory Health & Safety training as relevant to their roles. Our staff, Company and crew are aware of accident procedures and follow accordingly. The Gate Theatre is

committed to providing a safe environment for its staff, creatives, cast, crew, contractors and patrons. When working with children/young people some specific additional protocols apply:

- When in The Gate children are to be supervised at all times;
- At a minimum, two Gate representatives or a licensed third party should supervise all activities involving children/young people;
- Children must be accompanied to and from The Gate Theatre by a parent/guardian/teacher;
- Children must be accompanied by parents/guardians/teachers to all activities, unless another arrangement has been agreed;
- Ensure the appropriate adult to child ratio for all activities – see section 7.3;
- Risk Assessments are carried out for all production elements and mitigation plans implement to manage potentially dangerous situations or materials as they may arise as part of the show.

2.8 Code of Behaviour – Our Duty of Care to Children Attending or Participating In a Gate Event

The Gate Theatre reserves the right to contact parents/guardians and request that they take a child out of an activity if they are distressed or their behaviour is distracting. This may be temporary or for remainder of an activity, as appropriate to each individual situation. This ensures other children can continue to engage in activities uninterrupted. In the first instance, however, if a child is not enjoying or participating in The Gate Theatre's activity, staff or the licensed third party will endeavour to:

In the case of a workshop activity:

- Talk to the child, seek to identify the issue and work to resolve it
- Suggest ways to deepen their engagement in the activity
- If there is no improvement and the behaviour/disruption to the workshop is likely to continue:
 - Ask a parent or guardian to assist to attempt to re-engage the child in the activity or encourage a short time outside the activity for the child to regain their composure;
 - If the child takes time out, ensure that they are supervised at all times by their primary carer until they re-join the activity;
 - The Gate Theatre or licensed third party staff will ensure that the child is adequately occupied or comforted if in distress and a parent/guardian is notified immediately.

In the case of a theatre event:

- Make eye contact with the child/children and indicate the need to be quieter/modify their behaviour. Be sensitive, approachable and diplomatic when you asking for their cooperation;
- If the disruption continues, physically approach the child/children and ask them to keep noise to minimum.

The Gate encourages freedom to respond to the work, so ensure the behaviour is over and above a reasonable response before approaching.

Performers are experienced at managing audience responses and feedback, however, prior to a show the FOH Manager, the Company Manager and the Artist must agree a plan of action in terms of managing the crowd during performances;

- If the disruption continues, approach the parent/guardian/primary carer and request they intervene to minimise disruption to the performance;
- If the disruption continues request the parent/guardian/primary carer takes the child out of the auditorium for some time out to calm down.

In the case of an observed incident of bullying:

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could be reasonably regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying.

The Gate Theatre adheres to the [Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, HSA](#) . Staff are required to be aware of the potential for bullying in all situations and of The Gate's approach to responding to an incident of bullying. See Appendix 2 for The Gate's Bullying, Harassment and Sexual Harassment Policy.

Specific to children/young people where incidents of bullying are identified the following sets out, at a high level, the approach that should be taken for addressing incidents of bullying:

- Where the bullying is occurring between children/young people, discretely separate the children immediately after the bullying has been observed. It is important not to draw attention to either the victim or bully;
- When addressing issues of bullying between children/young people, ensure you are accompanied at all times;
- Where appropriate, the bully may be asked to explain his/her actions and to apologise;
- Continue to observe further interactions between the children/young people in question to ensure no further incidents occur.;
- Notify the relevant staff member of what occurred and what action was taken i.e. DLP, Company Manager, Stage Manager;
- The bullying victim should be given an opportunity to talk about the incident to a member of staff, parent/guardian;
- The DLP records the incident in the Incident Log, and brings it to the attention of his/her line manager and the DLP. See Reporting Procedure section 4.4
- The DLP or Chaperone, as appropriate, informs the parents/teacher/guardian of the incident at the end of the rehearsal/workshop/show [if it has not already been brought to their attention].

2.9 For protection of all parties, and in all cases where a child's behaviour is described as singular or disruptive, ensure that:

- More than one staff member is present when singular or out of the ordinary behaviour is being addressed;
- Keep a record that describes the incident, the circumstances, the reasons, people involved, and any resolution. Ideally, all staff who were present should sign this record or fill in their

own perspective of the incident. An incident/complaints form is available from The Gate Staff Intranet Site (see Appendix 8) and should be emailed to the DLP upon completion.

- In all cases, if there is an event which is out of the ordinary, which may have a negative effect on a child, the parents/teacher/guardian will be informed of the event and any action/s taken.

3. CHILD SAFEGUARDING ROLES AND RESPONSIBILITIES

There are a number of key roles that are required to ensure the Child Safeguarding Policy is enabled implemented and issues related to child safeguarding within the organization are appropriately addressed. These are:

1. Named Person
2. Provider of Relevant Service
3. Relevant Person
4. Designated Liaison Person / Deputy Designated Liaison Person
5. Mandated Person

Named Person - Lead responsibility for development review and implementation of the guiding principles and child safeguarding procedures.

Provider of the Relevant Service - Provides relevant service (in this case cultural org that works with and provides service to children). Employs people/contracts for services to provide the relevant service.

Relevant Person - First point of contact regarding The Gates Child Safeguarding Statement.

Designated Liaison Person – A named Designated Liaison Person (DLP) and Deputy Designated Liaison Person will be a resource to any staff member who has a child safeguarding concern. DLPs are responsible for ensuring that organisational reporting procedures are followed correctly and promptly and act as a liaison person with other agencies, as required.

Mandated Person – are those who have contact with children because of their training/qualifications/profession or employment are in a key position to help protect children from harm e.g. teacher, social worker, nurse, doctor. They are legally required to report harm of children to Tusla and to assist Tusla if requested in assessing a concern which has been subject of a mandated report. If at anytime the Gate engages a member of a mandate profession this role will be a relevant role within the Child Safeguarding Policy.

3.1 Roles and Responsibilities of Provider of relevant service:

- Undertake a risk assessment of any potential for harm to children/young people while working with or attending The Gate;
- Prepare a written child safeguarding statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm;
- Appoint a relevant person;
- Display the Child Safeguarding Statement in a prominent place where the relevant service concerned relates or is provided, or both, as may be appropriate.
- Review your Child Safeguarding Statement within 24 months.

3.2 Role and responsibility of Designated Liaison Person

The Designated Liaison Person is the main point of contact where there is an issue or concern about any aspect of a child's or young person's safety and welfare. It is the responsibility of this person to advise staff about policy and procedures in relation to child safeguarding and to ensure that procedures are followed. The DLP will support and advise staff in the event of a concern regarding child safeguarding and welfare. It is also the responsibility of the DLP to liaise with the Tusla or Gardai where appropriate. The role and responsibilities of the DLP are as follows:

- Be fully familiar with The Gate's responsibilities in relation to the safeguarding of children;
- Have good knowledge of The Gate's child safeguarding guiding principles and procedures;
- Ensure that The Gate's reporting procedure is followed, so that child safeguarding concerns are referred promptly to Tusla or the Gardaí;
- Receive child safeguarding and welfare concerns from workers and volunteers and consider if there are reasonable grounds for reporting to Tusla exist;
- Where required, consult informally with a Tusla Duty Social Worker through Tusla's Dedicated Contact Point;
- Where appropriate, make a formal report of a child safeguarding or welfare concern to Tusla on behalf of The Gate, using the [Tusla Web Portal](#) or the Tusla Child Protection and Welfare Report Form – see Appendix 1;
- Inform the child's parents/guardians that a report is to be submitted to Tusla or The Garda Síochána, **unless**:
 - Informing the parents/guardians is likely to endanger the child or young person;
 - Informing the parents/guardians may place you at risk of harm from the family;
 - The family's knowledge of the report could impair Tusla's ability to carry out an assessment.
- Record all child safeguarding or welfare concerns, or allegations of child abuse, brought to your attention as well as any action taken in response to these concerns;
- Provide feedback to the referrer, as appropriate;
- Ensure that a secure system is in place in The Gate to manage and store confidential records;
- Act as a liaison with Tusla and The Garda Síochána, as appropriate;
- Where appropriate, jointly report with a mandated person.

3.3 Process for appointing a Designated Liaison Person

A Deputy DLP will be appointed to cover this role when the DLP is unavailable or if he or she is directly involved in an incident, suspicion or accusation.

When considering who is best placed to carry out the DLP and Deputy DLP roles, The Gate will consider the following:

- The DLP and Deputy DLP should occupy senior positions as their primary role;
- They must have good working knowledge of the organisation and the activities children/young people working with the Gate are involved in;

- As part of their primary role are they will be involved with contractors/staff that will work with children/young people;
- They will have excellent listening and communication skills;
- Have an understanding of abuse and safeguarding;
- Have the availability to conduct the role.

Once identified and it has been agreed by the organisation and the individuals that they will fulfill the roles professional development, network support and appropriate training will be provided for the DLP and Deputy DLP. The role of DLP and Deputy DLP should be a rotating role for no longer than a period of two years. A staff member may carry out the role again following a break of at least a two year period. They may carry out the role of Deputy DLP directly after having fulfilled the role of DLP.

All staff, contractors, primary carers and children/young people will be advised who has been designated to deal with child protection issues and how to contact them. A formal notification will be issued containing the following information:

“[name] has been designated as the person to contact if you have an issue or concern about any aspect of a child’s or young person’s safety and welfare. It is the responsibility of this person to support and advise staff about policy and procedures in relation to child protection and to ensure that procedures are followed. It is also the responsibility of the Designated Liaison Person to liaise with the Health Service Executive, Tusla or Gardaí where appropriate.

[name of DLP] can be contacted at [location and phone number].

[name] has been designated as deputy to [name of Deputy DLP] and can be contacted at [location and phone number].”

See Section 12 for contact information for The Gate’s current DLP and Deputy DLP.

4. REPORTING PROCEDURES

4.1 Reasonable Grounds for Concern Guidelines

It is important for staff working with children/young people to understand what are reasonable grounds for concern or more simply – when they should be worried for a child’s/young person’s safety. The following sets out examples of reasonable grounds for concern but is not an exhaustive list, therefore any unusual behaviour should be raised and discussed with the DLP where a staff member is unsure if the behaviour constitutes reasonable grounds for concern. Examples for reasonable grounds for concern:

- explicit indication from the child or young person that s/he has been abused;
- an account by a person who saw the child/young person being abused;
- evidence, such as an injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
- an injury or behaviour, which 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. For example a pattern of injuries, an implausible explanation, other

indications of abuse, dysfunctional behaviour consistent indication, over a period of time, that a child or young person is suffering from emotional or physical neglect;

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

Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. Child safeguarding concerns should be supported by evidence that indicates the possibility of abuse or neglect (**Children first 2015, 3.2**).

See Appendix 5 for further guidance on definitions of child abuse.

4.2 Guidelines for responding to a disclosure from a child/young person

The Gate Theatre at all times strives to provide an environment where children/young people feel secure and can trust those around them, providing them with the confidence to share their concerns. It is essential that a child/ young person feels they can disclose incidents of harm and that they feel supported when they do. A child who divulges an incident of abuse makes a profound act of trust and must be treated with respect, sensitivity and care. It is essential that the process of disclosing this information does not create a negative experience for the child/young person.

The following guidelines are intended to equip staff to be able to deal with the disclosures appropriately:

- Stay calm and listen to the child/young person, allow them enough time to say what they need to say. Over-reacting can add to feelings of anxiety and guilt.
- Reassure the child/young person that they have taken the right action in telling you about the abuse;
- Do not promise to keep anything secret;
- Do not use leading questions or prompt details;
- Ask questions only for the purpose of clarification. Check that what you have heard from them is accurate. Do not make the child/young person repeat the details of the incident unnecessarily;
- Do not express any opinions about the alleged abuser;
- Explain to the child/young person what will happen next (explanation should be age appropriate);
- Treat the information you have been entrusted with the utmost confidentiality, sharing it only with persons who have a right to hear it;
- The one thing you MUST NOT DO is NOTHING.

4.3 Recording procedures

Good record-keeping is of critical importance regarding child safeguarding. Unless accurate records are maintained, the ability to adequately protect vulnerable children may be severely curtailed. It is essential that relevant staff keep contemporaneous records of all reported concerns safely. These should include details of contacts, consultations and any actions taken.

Any staff member or contractor who knows or suspects that a young person has been or is at risk of being harmed has a duty to convey this concern to the DLP. When doing so they must provide detail on:

- suspicions
- concerns
- worrying observations
- behavioural changes.

They are required to complete the Child Safeguarding Incident Report Form – see appendix 8. The DLP is responsible for report this information to Tusla or in an emergency to An Garda Síochána. All reports must be recorded by the DLP in The Gate’s online Child Safeguarding Incident Log. This log is only accessible to the DLP or Deputy DLP.

The DLP, supported by the CEO, will ensure all staff:

- Are familiar with the Child Safeguarding Policy
- Are aware of their individual obligation under the policy
- Are aware of internal line management reporting procedures
- Are aware of the appropriate authorities to which they should report outside the organisation if they are inhibited for any reason in reporting the incident internally or where they are dissatisfied with the internal response.

4.4 Reporting procedures

It is the responsibility of all adults working with or around children/young people at The Gate to report and record their concerns/what has been disclosed to them. Doing or saying nothing could put/keep a child/young person in harm’s way.

- Record the conversation as soon as possible and in as much detail as possible on the Incident Report Form;
- Report to the DLP that you have completed an incident report form and discuss as necessary;

It is the responsibility of all a workers/volunteers at The Gate to report a concern promptly to the in line with the following guidelines:

- Inform the DLP or if unavailable the Executive Director.
- The DLP will work with the person reporting the concern to ensure that an accurate record of the concern is documented, including the date, time of and people involved in the concern/disclosure and the facts. Information recorded should be factual. Any opinions recorded should be supported by facts.
- The most appropriate person should discuss the concern/consult with parents/carers where necessary. Parents/carers should be told of a report to the Tusla unless it is likely to put the child/young person at further risk.
- The Designated Liaison Person may contact the Tusla Social Work Department for an informal consultation prior to making a report and likely also get legal advice.
- Information will be shared on a strictly ‘need to know’ basis. If there are reasonable grounds for concern as outlined above, the DLP will contact the duty social staff in your Tusla area using the standard reporting form (available from the Tusla).
- Reports to the duty social staff can be made verbally initially and then followed by the standard reporting form.

- Reports will be made to the Tusla without delay.
- In emergencies which are out of Tusla Social Work hours, the DLP will contact the Gardai. There may be extreme situations, which threaten the immediate safety of a child/young person where it may be necessary to contact the Gardai.

4.5 When a case is not reported to the Health Board or Gardai

Where The Gate decides there are no grounds for reasonable concern and a report is not being made to Tusla or the Gardaí, the DLP/Deputy DLP will give the person who raised the concern a clear written statement of the reasons why. The person should be advised that, if they remain concerned about they are free to engage with or report to Tusla or the Gardaí as an individual.

4.6 Summary actions if you have any child safeguarding concerns at The Gate:

- Report Immediately to The Gate Theatre's Designated Liaison Person (DLP) or Deputy DLP.
- If both are unavailable, contact a key child safeguard officer as listed on page 34 of this document.
- The DLP will contact the nearest TUSLA service (Dublin South City: 01 6486555 at the Carnegie Centre, Lord Edward Street or 01 6486730 Public Health Nursing, Lord Edward Street or 01 416 4441 Family Support Services at Donore Avenue) to seek advice and how to proceed with their duties [the DLP's]. They will follow the recording and reporting procedures as set out in section 4.3 and 4.4.
- In the event of an emergency situation the DLP or Deputy will contact the Gardai at Store Street Station 01 666 8000.
- As appropriate to the situation, anyone involved may be requested to stay in the building until the DLP advises on a course of action based on conversation with statutory authorities.
- The DLP will manage communications e.g. informing TUSLA, parents, teachers, CEO. The CEO is responsible for informing the Board.
- Staff/volunteers/artists involved in the concern will be asked to fill in an incident report form immediately [factual].
- Absolute confidentiality must be maintained in relation to the complaint.

5. CONFIDENTIALITY

The Gate is committed to ensuring people's right to confidentiality, however, in relation to child safeguarding and welfare we undertake that:

- Information will only be shared on a 'need to know' basis in order to safeguard the child/young person;
- Giving such information to others for the protection of a child or young person is not a breach of confidentiality;
- We cannot guarantee total confidentiality where the best interests of the child or young person are at risk;
- Primary carers, children and young people have a right to know if personal information is being shared and/or a report is being made to Tusla or the Gardaí, unless doing so could put the child/young person at further risk;
- Images of a child/young person will not be used for any reason without the consent of the parent/carers. It cannot be guaranteed that cameras/videos will not be used at public performances);
- Procedures are be put in place in relation to the use of images of children/ young people - see section 2.5;
- Procedures are being developed in relation to the recording and storing of information in line with our confidentiality policy – see Appendix 6.

6. RECRUITING & SELECTING STAFF

The Gate Theatre's recruitment and selection procedures ensure, in so far as is possible, provide for the safeguarding of children and young people attending or working with The Gate. All staff who will have or are likely to have contact with children and young people will undergo a recruitment process in line with these procedures and appropriate to their level of contact with children/young people. This policy takes cognisance of equal opportunities legislation. Common sense and sound judgment will be applied in every aspect of the process of selecting and recruiting staff.

6.1 Recruitment and selection policy statement:

We will ensure that staff are carefully selected, trained and supervised to provide a safe environment for all children and young people, by observing the following principles:

- Roles and responsibilities will be clearly defined for every job (paid or voluntary);
- Posts will be advertised widely;
- We will endeavour to select the most suitably qualified personnel;
- Candidates will be required to complete an application form;
- Staff will be selected by a panel of at least two (or more) Gate representatives through an interview process;
- At least two references that are recent, relevant, independent and verbally confirmed are required and where possible at least one reference check should specifically relate to the interviewee's experience of working with children of in a child centred environment;
- A valid passport (original only) as a form of identification is required for all successful applicants and will be filed in accordance with GDPR requirements;
- Candidates will be asked to sign a declaration form which states (i) there is no reason why they would not be a suitable candidate to work with children, (ii) if they have a criminal records – See appendix 3. Declaration Forms are held confidentially in the individuals HR file in line with GDPR requirements;
- No person who would be deemed to constitute a 'risk' will be employed. Risks may include but are not limited to:
 - any child-related convictions;
 - refusal to sign application form and declaration form;
 - insufficient documentary evidence of identification;
 - concealing information on one's suitability to work with children;
- There will be a relevant probationary period;
- All staff will be required to consent to Garda vetting, and where required, this will be sought;
- In the case of volunteers, students and casual staff:
 - the interview is conducted by two permanent Gate staff members;
 - scenario questions relating to child safeguarding issues will be posed and the interviewee asked to explain how they would respond. This enables the Gate to test the interviewee's values upon which they base their decisions and there those values are child centred.

6.2 Garda Vetting:

Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

Garda Vetting is carried out for any person who is working closely with or has regular access to/contact with children or vulnerable persons while working at or with The Gate in a paid or unpaid role. The vetting procedure establishes whether an individual has a criminal record or specific information relating to the applicant. Specific information relates to information from Scheduled Organisations that is considered to cause reasonable child/vulnerable person safeguarding concerns. This information allows The Gate to make informed decisions regarding an individual's suitability to work with children at The Gate. All staff, contactors, artists and volunteers working closely with children at The Gate require Garda Vetting prior to beginning their position [paid or unpaid].

A Vetting Application Form will be provided by The Gate to relevant staff, contactors, artists and volunteers in advance of working with children at The Gate. The relevant person completes and signs the form and returns to The Gate. By signing the form the individual consents to the Garda Vetting being conducted, it cannot be conducted without this written consent.

The Gate's Garda Vetting Liaison representative submits the completed and signed Vetting Application Form to the National Vetting Bureau who will make enquiries with An Garda Síochána or a Scheduled Organisation to establish whether there is any criminal record or specified information relating to the person. Once completed Garda Vetting disclosure is issued directly to the liaison person in the relevant organisation. Based on information received from the Garda Vetting process a decision relating to the individuals suitability to work with children at The Gate will be made.

Information relating to the individual's Garda Vetting will be filed confidentially in line with GDPR requirements. An individual vetting subject may obtain a copy of their Garda Vetting disclosure from the liaison person in the relevant organisation to whom it was issued.

7. MANAGING & SUPERVISING STAFF

To ensure the responsible management of staff and contractors working with children, The Gate has procedures in place to cover induction, training, , supervision and the review of work practices. We induct new staff and ensure they are aware of The Gate's Child Safeguarding Statement and Policy and procedures, as supported by the Gate's Employee Handbook. All contractors engaged by The Gate are required, as part of their contractual obligations, to abide by the Child Safeguarding Statement and Policy. Where we engage with organisations that have their own Child Safeguarding Policy they are required to provide the Gate with a copy this and to adhere to The Gate's policy.

7.1 Staff management policy statement:

To safeguard both staff (paid and voluntary), artists, contractors and children/young people, we undertake that –

New staff & contractors will:

- Take part in a mandatory induction which includes Child Safeguarding information;
- Be made aware of the organisation's code of behaviour, child safeguarding procedures, and the identity and role of who has been designated to deal with issues of concern;
- Undergo a probationary or trial period.

All staff & contractors will:

- Receive an adequate level of supervision and review of their work practices (regular and scheduled formal, recorded process). Supervision provides a regular, structured opportunity to discuss work, review practice and progress, and plan for future development enabling:
 - accountability for practice to ensure safe, quality, care for children and families;
 - opportunity to debrief, addressing potential emotional impact of the work;
 - identification of training & development requirements;
 - opportunity to ensure the individual understands the guiding principles and child safeguarding procedures;
- Be expected to have read and signed the Child Safeguarding Statement;
- Be provided with child safeguarding training, as required by their role.

7.2 Safe supervision of children and young people

Children/young people are less likely to experience accidents or incidents if they are supervised appropriately. Activities should be organised to maximise participation, fun and learning in a way that minimises risk. To this end, ensure that:

- A work schedule is displayed so that everyone knows who is on duty or volunteering in an activity;
- Children/young people are not left unattended;
- Adequate numbers of workers/volunteers are available to supervise the activities (best practice would indicate that there are male and female workers/volunteers present to supervise coeducational activities);
 - Workers/volunteers know at all times where children/young people are and what they are doing;
 - Online activities are age appropriate and monitored;
 - Any activity using potentially dangerous equipment has increased adult supervision;

- Dangerous behaviour is prohibited.

7.3 Ensure safe adult-child ratios

Adult-child ratios are dependent on the type of activity but not exceed 1:8 adult to child with one additional adult. When deciding the ratio be cognisant of the type of activity, age and age and level of ability of the children.

There are times when one-to-one work is required – whilst it is preferable that this be avoided, there are 2 main situations where one to one may arise

1. In a reactive situation – e.g. where a young person requests a one-to-one meeting without warning or where a young person needs to be removed from a group.
2. As part of a planned structure of work.

The following guidelines are to be followed for each scenario:

1. In a reactive situation:
 - If you need to talk separately, try to do so in an open environment, in view of others;
 - If this is not possible try to meet in rooms with visual access, or with the door open, or in a room/area where other people are nearby;
 - Workers should advise another worker that such a meeting is taking place and the reason for it;
 - A record should be kept of these meetings including names, dates, times, location, reason for the meeting and outcome;
 - Workers are strongly advised to avoid meetings with individual children where they are on their own in a building;
 - One to one meetings should take place at an appropriate time, e.g. not late at night and in an appropriate venue.
2. As part of a planned structured piece of work:
 - The programme/activity should have a clear rationale, aims, methodology, evaluation mechanism and accompanying work plan;
 - The meetings in relation to this work should take place in an appropriate environment taking account of the issues referred to above;
 - A good supervision structure should be in place to support this work and address any issues which may arise;
 - Parents/guardians must be fully informed as to the nature and purpose of this work and must give written consent;
 - A clear code of behaviour must be agreed and adhered to for both worker and young person;
 - Young people should be advised who they should contact if they have any concerns or feel uncomfortable about any aspects of these meetings.

It is recommended, however, that workers be sensitive to the potential risk to personal safety and false allegations which may arise when they meet alone with a young person and an appropriate risk assessment should be conducted in order to minimise these risks.

7.4 When working in partnership with another organisations

When we work with another organisation (they are working in The Gate) or using external facilities there is risk of confusion about what guidelines apply and who is responsible for reporting child/young person concerns to statutory authorities. Working together may mean two organisations working together or an individual contracted to work in the Gate organisation on a temporary basis.

It is important to agree from the outset which organisation's policy for child safeguarding applies. Where both parties have Child Safeguarding Policies these must be shared in advance and reviewed. It may necessitate developing a protocol, agreed by the various parties, which will operate for the duration of the collaborative work. Where individuals or organisations are working on The Gate site the Gate's Child Safeguarding policy will apply and The Gate will be responsible for reporting any child safeguarding issues.

Everyone involved should be aware of their roles and responsibilities in relation to the safety and wellbeing of children/young people and of any changes to their usual practice as a result of partnership working.

7.5 Child Safeguarding Training

Child Safeguarding Training will be implemented in a number of ways in The Gate:

- Information on Child Safeguarding will form part of all new staff inductions
- Information on Child Safeguarding will be incorporated into new Company inductions along with Dignity at Work, H&S and COVID guidelines
- Specific Tusla training for DLP and Deputy DLP - <https://www.tusla.ie/children-first/children-first-e-learning-programme/> This is online training module of 1.5hour duration
- Staff will be provided with access to the Child Safeguarding Policy and Statement and must familiarise themselves with both documents and sign the Child Safeguarding Statement, committing to abide by the Policy and Procedures.
- Where required i.e. when a number of children/young people are engaged in a production The Gate will facilitate a training session for the Company and staff.

The aim of child safeguarding training is to provide:

- Guidance on how to recognise child abuse;
- Guidance on responding appropriately to child protection or welfare concerns;
- Information on the importance of working together to protect children/young people;
- Information on The Gate's guiding principles and child safeguarding procedures.

Records of training will be recorded in The Gate's Training Register.

8. INVOLVEMENT OF PRIMARY CARERS

At The Gate we are committed to involving and sharing information with parents/guardians/primary carers where there is concern regarding a child/young person's welfare. The Gate's policy on the involvement of primary carers sets out how this will be enabled.

8.1 Policy on the involvement of parents/guardians/primary carers:

At The Gate Theatre we are committed to being open with all parents/guardians/primary carers and undertake to:

- Advise parents/guardians/primary carers of our Child Safeguarding Statement and Policy;
- Inform primary carers and schools of all activities and potential activities related to the child at The Gate;
- Issue contact/consent forms where relevant;
- Comply with health and safety practices;
- Operate child-centred policies in accordance with best practice;
- Adhere to our recruitment guidelines (see section 6);
- Ensure, as far as possible, that activities are age-appropriate;
- Encourage and facilitate the involvement of parents/guardians/primary carers, where appropriate. If we have concerns about the welfare of the child/young person, we will:
 - Respond to the needs of the child/young person;
 - Inform the primary carers on an on-going basis unless this action puts the child or young person at further risk;
 - Where there are child safeguarding concerns we are obliged to report these on to Tusla and, in an emergency, the Gardai.

9. PROCEDURE FOR ADDRESSING ALLEGATIONS AGAINST STAFF

In the event of allegations being made against an staff member (paid and voluntary), the protection of the child/young person is the first and paramount consideration. The Gate has a dual responsibility in respect of both the child/young person and staff member and as such the same person will not have responsibility for addressing the child/young person safeguarding issue and the staff employment issue. As such:

1. The DLP/Deputy DLP will manage the issue for the child/young person;
2. The Executive Director will manage the issue for the person against whom the allegation is made;
3. If allegations are made against the Designated Person, then the CEO/Head of Operations will manage the issue.

As with all allegations of harm, an allegation against a staff member must be assessed promptly and sensitively to ensure the child/young person is not exposed to further risk. Where a child safeguarding complaint is made against a member of staff, The Gate, having taken measures to ensure the safety of the child/young person, will inform parents/guardians/primary carers of actions planned and taken. This communication must be addressed in an age-appropriate manner for the child/young person concerned. As a child-centred organisation, we are committed to putting the interest of the child/young person first, we will work in partnership with primary carers in line with procedures as set out in this policy to ensure the safety of their children. A designated contact person is available for consultation with parents/guardians/primary carers in the case of any concern over a child or young person's welfare i.e. the DLP / Deputy DLP.

Where reasonable grounds for concern exist, a formal report to Tusla, or in an emergency the Gardaí, will be made. The reporting procedures outlined in Section 4.4 of these guidelines must be adhered to. The organisation should maintain a close liaison with Tusla and the Gardaí and ensure that their actions do not undermine or frustrate any assessment or investigation by Tusla and the Gardaí. The Gate's Disciplinary Policy and Procedure applies and will be followed in the context of the applicable employment contract and the rules of natural justice. Measures to protect the child/young person, appropriate to the level of risk, may be taken while not unreasonably penalising the staff member/contractor. Protective measures may include increased supervision, assignment to different duties, or suspension.

Where a complaint is made in relation to a staff member and the concern relates to poor practice it should be discussed with the relevant manager. If the concern involves suspected or witnessed abusive behaviour, this should be reported without delay to the DLP and the following procedure followed:

- The staff member will be informed as soon as possible that an allegation has been made and the nature of the allegation;
- The staff member will be given an opportunity to respond to the allegation;
- The Gate's Directors and Board will be informed as soon as possible;
- Any action, following an allegation of abuse against an employee, should be taken in consultation with Tusla and the Gardaí;
- After consultation, the Executive Director will advise the staff member of the agreed actions.

The Gate's Disciplinary Policy and Procedure also provides guidance on response to when staff/volunteer fails to meet the expected codes of behaviour and where the failure does not constitute a child safeguarding issue. See The Gate Theatre's Employee Handbook.

10. COMPLAINTS & COMMENTS PROCEDURE

A complaint can arise as a result of someone's misunderstanding of a policy or procedure and can include:

- An alleged breach of the code of behaviour by a worker/volunteer;
- A particular practice issue;
- Perceived poor attitude of a worker/volunteer;
- A child/young person feeling unhappy about an incident or an event;
- A parent/guardian feeling unhappy about an incident or event involving their child;
- Dissatisfaction in relation to an aspect of the service being provided.

The complaints procedure will be highlighted:

- On the first day of rehearsals
- Staff inductions
- In the Employee Handbook
- On all notice boards throughout the Theatre.

All staff have a responsibility to direct complaints/comments to the Executive and Artistic Director in relation to operational, box office or programming matters. Complaints/comments will be responded to within one week or sooner where possible. Verbal complaints will be logged and responded to at the time.

All workers/volunteers are to assist patrons/creatives/actors/contactors to make a complaint where necessary. Complaints should, where possible, be resolved informally, however where someone remains dissatisfied access to a more formal process should be available. Written complaints will be responded to within one week. Verbal complaints will be responded to immediately. Complaints will be recorded confidentially and in line with GDPR in the The Gate's Complaints Log.

Children and young people should not be restricted into whom they can complain but should be made aware that they can approach a worker/volunteer of their choice. Child safeguarding concerns are, as per the procedure outlined in Section 4.4, to be reported directly to the DLP or Deputy DLP. The DLP/Deputy DLP will, in turn, report to the Executive Director once action has been identified.

11. ACCIDENTS PROCEDURE

This section aligns to The Gate's Health and Safety Statement and Policy and the procedures therein to follow in the event of an incident/accident. All staff and contactors must be aware of why it is important to report an incident/accident even if there is no injury or property damage. Lack of reporting can result in penalty but also a missed opportunity for improvement, as follows:

- a claim for compensation may ensue where an initial minor injury deteriorates;
- a prosecution by the Health and Safety Authority (HAS) may ensue a lost time injury (3 days or more absence from work after the day of the accident) is not reported;
- every accident affords an opportunity to improve safety by correcting some deficiency, eliminate the hazard and prevent a recurrence;
- by analysing accident trends, areas of potential hazard can be identified, priority corrective action taken and training to improve safety awareness undertaken.

In relation to child/young person safeguarding regarding accidents:

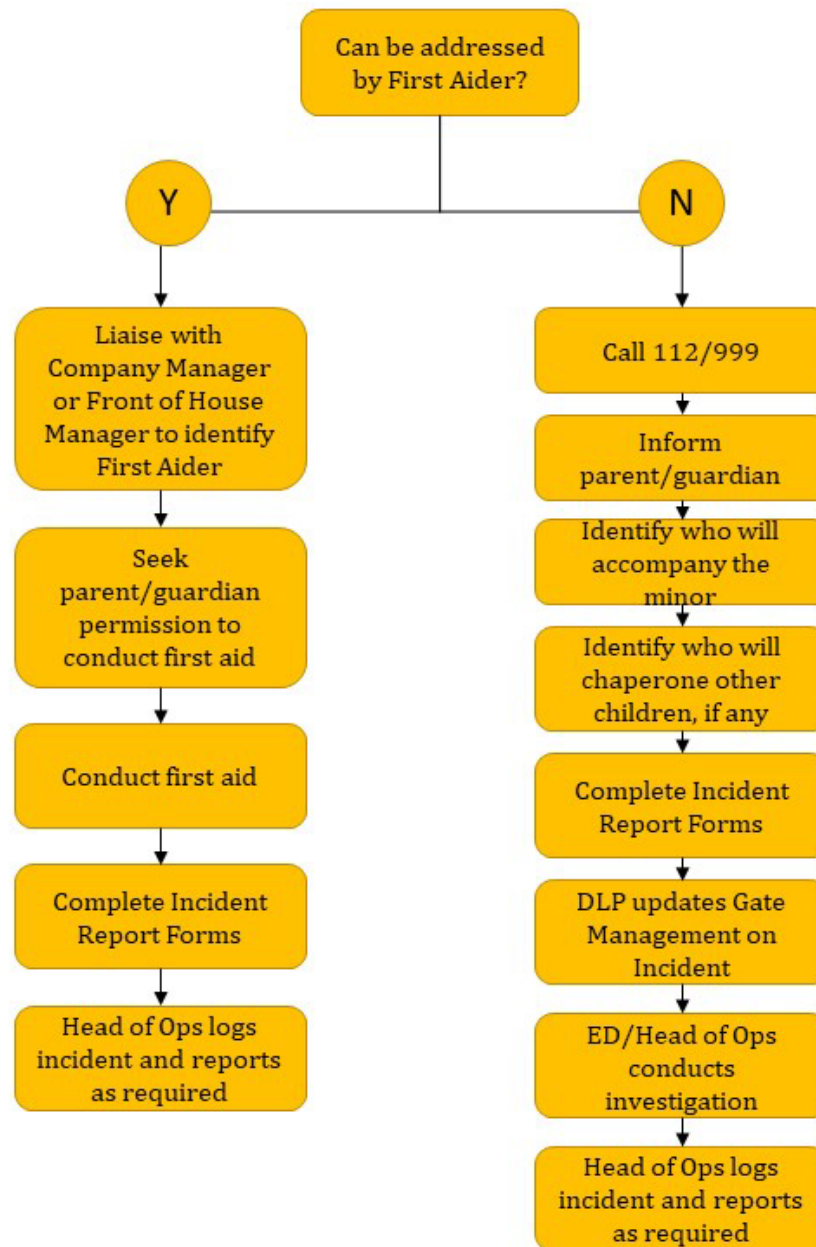
- The Gate Theatre must be informed if any of the contact details in relation to the child/young person changes while they are working with The Gate;
- The Gate maintains an up-to-date register of the contact details of all children/young people involved in the organisation, in line with GDPR principles;
- Children/young people's details should be cross-referenced between the incident log and file by the DLP/Deputy DLP;
- Staff must ensure children and young people are aware of the risks of dangerous materials/rigging etc. they may come into contact with at The Gate;
- The Head of Production should record details of risky equipment used and steps taken to minimise risk for all workshops and performances in both the Rehearsal and Show Risk Assessments;
- H&S Incident Report forms (see appendix 7) are available on all notice boards throughout the building, in soft copy on the Gate Staff Intranet and from the Head of Operations. They must be completed by the relevant parties immediately following the incident. Incident Report Forms are logged by the Head of Operations who is responsible for reporting to the HSA, where necessary;
- The Gate's Health & Safety policy is brought to the attention of and made available to all staff and external people using the buildings;
- Outside organisations must provide proof that they have the relevant public liability insurance;
- First aid boxes are available throughout the building, and regularly restocked;
- The first aid boxes are at reception, back-stage and in the rehearsal space.

11.1 Procedure for managing and reporting a H&S incident/accident involving a child/young person:

At all times when an incident or accident occurs remain calm, children/young people along with their parents/guardians/primary carers will need to be reassured by Gate Staff/Contractors that the situation is under control and their needs will be addressed. In the event of an incident or accident occurring that involves a child or young person, the following steps must be taken:

1. Report it immediately to the DLP/Deputy DLP and FOH Manager on duty who will delegate to a staff first aider, if appropriate;
2. First aid should only be carried out with the permission of and in the presence of a parent/guardian/primary carer/chaperone.
3. Inform the parent/guardian/primary carer immediately and advise them of Gate procedures;
 - a. Minor injury - first aid will be administered on the spot and the incident will be recorded;
 - b. Head injury or more serious accident [e.g. more than cut or blister] please call 112 or 999 and ask for medical assistance/ambulance;
4. If the child/young person is brought to hospital they will be accompanied by their parent/guardian/primary carer, designate Chaperone or the DLP/Deputy DLP. Where they are not available the child/young person should be accompanied by a Garda vetted Gate staff member or member of the Company. Where there is no Chaperone present and other children/young people remain on site, the designated ASM will act as a chaperone;
5. Those involved in the accident may be required to stay in the building while a course of action is determined;
6. Staff/ artists and any other relevant individuals involved will be required to complete a H&S Incident Report form immediately following the incident/accident. These reports must be given to the DLP/Deputy DLP in hard or softcopy at the earliest opportunity;
7. The DLP/Deputy DLP, with the assistance of the designated First Aider, are responsible for communicating with/informing the doctor/ambulance, parents, teachers, Gate Management etc. Where the DLP/Deputy DLP is not present (i.e. during evening/weekend performances) the FOH Manager/Deputy FOH Manager will be responsible for this communication;
8. The DLP/Deputy DLP is responsible for coordinating an overall summary report of the incident/accident with inputs from all relevant persons and including summary reports from the FOH Manager and Stage Manager stating with full details of the accident and of all parties involved. Where required, this should include photos. The Head of Operations should check CCTV footage for relevant video, for inclusion in the report;
9. In the case of a serious incident, once the immediate needs have been addressed, the Head of Operations/Executive Director should be informed by the DLP/Deputy DLP/FOH Manager of Stage Manager;
10. The Head of Operations must be advised of all incidents/accidents, once the immediate needs have been addressed, as they hold responsibility for logging incident reports and reporting, as required, to the HSA. Depending on the seriousness of the incident/accident this can take place on the following working day;
11. Once the immediate needs have been addressed, the Head of Operations/ Executive Director will carry out an accident investigation and provide the report to the Gate's insurance company and update The Gate's Board at the next opportunity.

H&S Incident/Accident Reporting



12. KEY CHILD SAFEGUARDING CONTACTS:

Role:	Name:	Email:	Phone:
Designated Liaison Person	Michelle King	Michelle.king@gate-theatre.ie	085 2811860
Deputy Designated Liaison Person	Chloe Ni Mhurchú	Chloe.nimhurchu@gate-theatre.ie	085 2430324
Executive Director	Colm O'Callaghan	Colm.ocallaghan@gate-theatre.ie	
Head of Operations	Bob Kiernan	Bob.kiernan@gate-theatre.ie	087 7333500
Chairperson of Board	Peter Crowley	Chairperson@gate-theatre.ie	
Creative Director	Roisin McBrinn	Roisin.mcbrinn@gate-theatre.ie	
Local Tusla Office	Dublin South City		01 6486555
Gardaí, Store Street Station			01 666 8000
Front of House Manager	Vincent Brightling (FOH Manager)	Vincent.brightling@gate-theatre.ie	Via Box Office 874 4045
First Aider	John Murphy (Dep. FOH Mgr.)	John.murphy@gate-theatre.ie	Via Box Office 874 4045
First Aider	Cathal Maguire (Bar Manager)	Cathal.maguire@gate-theatre.ie	Via Bar 877 9085
First Aider			
First Aider			

Glossary of Terms

Child Safeguarding – ensuring safe practice and appropriate responses by workers and volunteers to concerns about the safety or welfare of children, including online concerns, should these arise. Child safeguarding is about protecting the child from harm, promoting their welfare and in doing so creating an environment which enables children and young people to grow, develop and achieve their full potential.

Guiding principles and child safeguarding procedures – previously referred to as child protection and welfare policy and procedures, the procedures an organisation has in place to safeguard children from harm and reduce the risks to children of being harmed.

Child Safeguarding Statement – defined in the Children First Act 2015, this is a statement which includes a written assessment of risk of harm to children while availing of the service, and the measures that will be taken to manage any identified risks.

Child or young person – a person under the age of 18 years, who is not or has not been married.

Child Protection and Welfare Report Form – form for reporting suspected or alleged abuse or welfare concerns to Tusla (available on the Tusla website, [here](#)).

Child Safeguarding Guide – this document, Child Safeguarding: A guide for policy, procedure and practice Children First: National Guidance for the Protection and Welfare of Children – national, overarching guidance for the protection and welfare of children, published by the Department of Children and Youth Affairs. The current version was published in 2017.

Dedicated Contact Point - each Tusla area has a dedicated contact point that you can contact to discuss and/or report your child protection or welfare concern

Designated Liaison Person (DLP) – a resource to any staff member who has a child protection concern. DLPs are responsible for ensuring that reporting procedures are followed correctly and promptly and act as a liaison person with other agencies (see Children First: National Guidance).

Mandated person – as defined in the Children First Act 2015, mandated persons have a statutory obligation to report concerns which meet or exceed the threshold of harm, as defined in the Act, to Tusla and to cooperate with Tusla in the assessment of mandated reports, where requested to do so.

Relevant person – a person appointed by an organisation to lead the development of guiding principles and child safeguarding procedures and for ensuring that policies and procedures are consistent with best practice as detailed in this Guide.

Provider – as defined in the Children First Act 2015, ‘means, in relation to a relevant service, a person- (a) who provides a relevant service, and (b) who, in respect of the provision of such relevant service— 7 (i) employs (whether under contract of employment or otherwise) one or more than one other person to undertake any work or activity that constitutes a relevant service, (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an

internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service’.

Relevant person – as defined in the Children First Act 2015, ‘means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Statement’.


Relevant service – as defined in the Children First Act 2015, ‘means any work or activity specified in Schedule 1 [of that Act]’.

Tusla – Tusla is Ireland’s Child and Family Agency, the lead, statutory organisation for safeguarding children in Ireland.

Tusla Web Portal – A web portal has been developed to allow professionals to securely submit Child Protection and Welfare Report Forms and Retrospective Abuse Report Forms to Tusla. It can be accessed from the Tusla website, [here](#).

Worker and volunteer – inter alia, any staff member, volunteer, member of any board of management, or student engaged in an organisation to provide services to children or families.

Appendix 1 – Tusla’s Child Protection and Welfare Report Form



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.
Fields marked with an * are mandatory.

1. Tusla Area (this is where the child resides)*

2. Date of Report*

3. Details of Child

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child’s view, if known. Please attach additional sheets, if necessary

Please see ‘*Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns*’ for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

Child Welfare Concern	<input type="checkbox"/>	
Emotional Abuse	<input type="checkbox"/>	Physical Abuse
Neglect	<input type="checkbox"/>	Sexual Abuse

6. Details of Reporter

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type				

7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Is the Mother a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
----------------------------------	-----	--------------------------	----	--------------------------

Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
----------------------------------	-----	--------------------------	----	--------------------------

10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*	Surname*
Male* <input type="checkbox"/>	Female* <input type="checkbox"/>
Address	Date of Birth
	Estimated Age
	Mobile No.
	Telephone No.
Eircode	Email Address
Occupation	Organisation
Position Held	

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*	Surname*
Male* <input type="checkbox"/>	Female* <input type="checkbox"/>
Address	Date of Birth
	Estimated Age
	Mobile No.
	Telephone No.
Eircode	Email Address
Occupation	Organisation
Position Held	

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	



Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family


Please ensure you have indicated if this is a mandated report in section 6.
Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by			
First Name		Surname	Date

Mandated Report Acknowledgement by



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

*MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)*

First Name		Surname		Date Sent	
-------------------	--	----------------	--	------------------	--

Authorised Person Signature*					
Date*					

Child Previously Known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-------------------------------	-----	--------------------------	----	--------------------------

Allocated Case No	
--------------------------	--

Appendix 2 The Gate Theatre's Bullying, Harassment and Sexual Harassment Policy

WHAT IS BULLYING?

Under the Safety, Health and Welfare at Work Act, 2005, the Gate has a duty to provide its workers with a safe place of work. This includes a workplace free from bullying and intimidation.

Workplace bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition is not considered bullying. Unlike in the context of harassment (discussed below) bullying is not dependant on the recipient having one of the nine protected characteristics under the Equality Acts.

Bullying is conduct which occurs on more than one occasion and can include conduct offensive to a reasonable person.

Many types of conduct and actions can constitute bullying with some being less obvious than others. Bullying can consist of persistent offensive, abusive, intimidating, malicious or insulting behaviour, or abuse of power carried out by an employee or group of employees, either directly or indirectly, which makes the recipient feel upset, threatened, humiliated or vulnerable.

By way of example only, a pattern of any of the following (non-exhaustive) types of conduct may also amount to bullying:

- Exclusion with negative consequences
- Intimidation
- Aggression
- Physical abuse
- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Verbal abuse/insults
- Excessive monitoring of work
- Public or private humiliation
- Manipulating a person's job content and targets
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unjustified criticism and sarcasm
- Sneering
- Shouting at staff in public or in private

The following are non-exhaustive examples of behaviour which does not amount to bullying:

- Legitimate instructions to perform a task(s)

- Reasonable and essential action arising from the good management of the performance of employees
- Actions taken in furtherance of the safety, health and welfare of employees
- Constructive and fair criticism of an employee's conduct or work performance
- Complaints relating to reasonable instructions issued by a Line Manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure

WHAT IS HARASSMENT?

Harassment is defined under the Equality Acts as any form of unwanted conduct related to any of the nine discriminatory grounds being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The nine discriminatory grounds are:

- Gender
- Sexual orientation
- Race, nationality or ethnic origin
- Civil status
- Disability
- Religious belief
- Family status
- Age
- Membership of the Traveller community

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Many forms of behaviour can constitute harassment including:

- Verbal harassment - Jokes, comments, ridicule or songs
- Written harassment - Text messages, emails or notices
- Physical harassment - Jostling, shoving or any form of assault, pinching, or unnecessary touching
- Non-Verbal / Intimidation - Gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from work related social activities
- Pressure to behave in a manner that the employee thinks is inappropriate

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is defined in the Equality Acts as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The following are examples of unacceptable and inappropriate behaviour, which may be construed as sexual harassment:

- Physical - Unwelcome physical contact of a sexual nature, kissing, or groping
- Verbal – Unwelcome sexual advances, pressure for social contact, suggestive jokes, remarks or innuendo
- Non-verbal / visual – sexually suggestive or pornographic pictures and calendars, leering or whistling, or sending emails/text messages

The intention of the perpetrator(s) of the bullying, harassment or sexual harassment is irrelevant. The effect of the behaviour on the employee is what is relevant.

The above examples of bullying, harassment and sexual harassment are not exhaustive and any behaviour of a similar nature will also be dealt with under this policy.

WHAT IS VICTIMISATION?

In accordance with the Equality Acts, victimisation occurs where dismissal or other adverse treatment of an employee occurs as a reaction to:

- a complaint of discrimination made by the employee;
- any proceedings by a complainant;
- an employee having represented or otherwise supported a complainant;
- an employee having been a witness in any proceedings under the Equality Acts or the Equal Status Acts 2000 to 2008;
- an employee having opposed by a lawful means an act that is unlawful under the Equality Acts or the Equal Status Acts 2000 to 2008; or
- an employee having given notice of intention to do any of the above.

Any victimisation of, or retaliation by, another worker against a complainant, a worker supporting a complainant, or a worker who gives evidence regarding the allegation of bullying, harassment or sexual harassment, will be subject to disciplinary action up to and including dismissal.

COMMITMENT TO THE PREVENTION OF AND DEALING WITH BULLYING AND HARASSMENT

The Gate understands that bullying, harassment and sexual harassment can affect the health and wellbeing of an individual. Bullying, harassment and sexual harassment cannot be explained/excused on the basis that it was carried out in good humour or as a joke. It is also important to remember that a person, though upset or offended by another's actions or comments, might not object or express his/her discomfort, out of politeness, embarrassment or insecurity in his or her position.

The Gate is committed to ensuring that our workplace is free from bullying, harassment and sexual harassment. Our policies and practices strive to prevent bullying, harassment and sexual harassment. Management will be vigilant about addressing signs of bullying, harassment and sexual harassment before a problem escalates and will promote awareness of this policy and the complaints procedure.

All employees can and are obliged to contribute to the creation and maintenance of a work environment free from bullying, harassment and sexual harassment.

REPORTING PROCEDURE

In many cases the Gate may not be aware of the conduct that is taking place, and unless the employee concerned takes the appropriate steps, as outlined below, it may not be possible to do anything to prevent the conduct from continuing. Should an employee experience or observe unwanted conduct, he/she is encouraged to raise the issue so that it can be resolved speedily.

The following procedures will be used for any complaints of bullying, harassment, or sexual harassment. At all times due regard must be given to the rights of the alleged perpetrator(s), always bearing in mind that the complaint amounts to no more than an allegation, unless and until the facts have been satisfactorily established.

CONTACT PERSON

A team member who believes that he/she has a bullying or harassment complaint may contact their Line Manager

A formal complaint is made to the line manager or to another appropriate manager if the line manager is party to the complaint. The Gate's Dignity at Work Contact Person (Michelle King – Michelle.King@gate-theatre.ie) can also provide confidential support, guidance and information to help to team member to determine the right person to receive and to deal with the complaint.

The Line Manager (or to another appropriate manager if the line manager is party to the complaint) will identify a "Contact Person" for the purposes of procedures set out below.

The Contact Person's role is one of support and information. The Contact Person will listen and advise on complaints at work and explain the procedures in place to deal with complaints. While the Contact Person may assist in explaining options, it will avoid directing a team member to one option above any other.

The Contact Person will not get involved in any other way in the complaints procedure and is not an advocate for either party.

CONFIDENTIALITY

It is extremely important that at all stages of a bullying, harassment or sexual harassment complaint (whether by way of informal/formal procedure) confidentiality is maintained. Consequently, any team member who is involved in the processing of a complaint whether as the person making the complaint, the person complained of, a Contact Person, investigator or witness must keep all details relating to the complaint confidential. A breach of this requirement may be treated as a disciplinary matter.

While it is the Gate's policy to maintain confidentiality to the greatest effort consistent with the requirements of a fair investigation, team members should be aware that there may be occasions when the Contact Person or investigator(s) has a duty to disclose information to the Gate, particularly where he/she has a serious concern regarding the risk to the health and safety of a team member or another person.

INFORMAL PROCEDURE

Best practice suggests that an informal approach to addressing a complaint of bullying, harassment or sexual harassment can often be effective. In the first instance, an attempt should be made to address an allegation of bullying, harassment or sexual harassment on an informal basis through the procedure set out below.

The objective of the informal procedure is to allow scope for resolving problems quickly with minimum stress and conflict. Unlike the formal procedure, the informal process does not involve a full investigation to determine whether bullying, harassment or sexual harassment occurred.

A team member who believes that he/she is being bullied, harassed or sexually harassed should,

where possible, explain directly to the alleged perpetrator(s) that the behaviour at issue is unacceptable. Where the complainant would find it difficult to confront the person(s) complained of directly, he/she should seek support and assistance from a colleague or the Contact Person. Any approach made by the Contact Person on the complainant's behalf will be on a confidential, non-confrontational basis and will seek to resolve the issue in an informal low-key manner.

If the complainant is not satisfied with the outcome of this approach, or if he/she feels unable to take this approach, he/she should notify his/her Line Manager, or, where the Line Manager is the alleged perpetrator, the Artistic Director. An appropriately trained and experienced person will be designated to deal with the informal complaint (the "Designated Person") who is the Creative or Executive Director. The complainant should give the Designated Person concrete examples of the alleged inappropriate behaviour, the dates of any such incidents and details of witnesses, where possible.

The Designated Person will establish the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure. This will be done within an agreed timeframe. A complaint may be made verbally or in writing. If the complaint is made verbally, a written note will be taken, which will be copied to the alleged perpetrator(s).

A choice not to adopt the informal procedure will not reflect negatively on either party to the process.

The Designated Person, together with the complainant and the alleged perpetrator(s), will agree a method to progress the issue to resolution so that both parties can return to a harmonious working environment together. This may include mediation, counselling, training or other measures. The Designated Person will keep a written record of all stages of the informal procedure.

FOLLOW UP

Where appropriate, on-going support and/or review will be made available to both parties following the informal process.

In many situations, with everyone's co-operation, the matter can rest here.

FORMAL PROCEDURE

If the complainant decides that it would not be appropriate for the Gate to deal with the complaint under informal procedure, or having done so, the complainant is not satisfied with the outcome, he/she should proceed under the formal procedure.

A team member who wishes to invoke the formal procedure must make a formal complaint in writing, signed and dated, to his/her Line Manager, or, where the Line Manager is the alleged perpetrator(s), the Artistic Director or to HR, which is the Executive Director. The complaint should set out precise examples of the alleged bullying, harassment and/or sexual harassment, the dates of any such incidents, and details of witnesses where possible.

The alleged perpetrator(s) will then be notified in writing that an allegation of bullying, harassment and/or sexual harassment has been made against him/her. The alleged perpetrator(s) will be told that he/she will be given a fair opportunity to respond to each and every allegation of bullying, harassment and/or sexual harassment and he/she will be given a copy of the written complaint together with a copy of this policy. A copy of this policy will also be provided to the complainant. Both parties will be advised of the aims and objectives of the formal process, the procedure to be followed, the likely time frame and the possible outcomes.

The formal procedure involves a full investigation of the complaint by an experienced and appropriate investigator (external or internal as we believe appropriate in a particular case). The objective of the investigation is to establish whether, on the balance of probabilities, the behaviour complained of occurred.

Where the allegations made are of a severe nature, the Gate reserves the right to suspend the alleged perpetrator(s) on full pay pending an investigation. Alternatively, one or both parties may be required to relocate to a different business unit or location during this time. If the investigator considers that the behaviour complained of could constitute a criminal offence, the complaint may be referred to An Garda Síochána.

The investigation will be undertaken impartially and as thoroughly, sensitively and confidentially as possible, with due regard to the rights of both parties. The investigation will be governed by terms of reference which will be set out before the investigation commences.

The first meeting will take place within 10 working days of receipt of the complaint or as soon as possible thereafter. The investigator will meet the complainant, the alleged perpetrator(s) and any witnesses or other relevant persons on an individual basis to try to establish the facts surrounding the allegation. The complainant and the alleged perpetrator(s) may be accompanied to such meeting by a colleague. The Gate reserves the right to refuse the chosen representative attendance at the meeting where appropriate in which case the relevant person will be given the opportunity to change their chosen representative. The representative's presence is primarily to provide support.

Both the complainant and the alleged perpetrator(s) will be given a fair opportunity to state their position in relation to the allegations made before any conclusions are reached or decisions made.

Further meetings with some/any of those involved may be required as the investigator deems necessary.

REPORT

Once the investigation is complete, the investigator will provide to HR a written report of the investigation which shall include the investigator's findings. Both the complainant and alleged perpetrator(s) will be given a copy of the report. The complainant and alleged perpetrator(s) will have 10 days from the date on which the report is given to them in which to submit comments in writing on the investigator's findings before any action is decided on by the Gate.

COURSE OF ACTION

If the Gate decides that the complaint is well founded, management will meet formally with the alleged perpetrator(s) to determine an appropriate course of action. Such action can and may include counselling, monitoring, mediation and/or disciplinary action in line with the Gate's disciplinary policy.

If the bullying, harassment or sexual harassment is found to have been perpetrated by a non-employee of the Gate, the Gate will decide what appropriate sanctions should be taken against such non-employees including exclusion from the premises, suspension or termination of service/contract etc.

If the Gate decides that the complaint is not well founded, management will formally meet with the complainant, again to determine an appropriate course of action. It may be that some kind of

counselling or mediation session(s) is required between the complainant and the alleged perpetrator(s).

APPEAL PROCEDURE

Either party may appeal the findings of an investigation under this policy to the Artistic director or an appropriate third party nominated by him/her who has not been involved at any earlier stage of the procedure. The appeal must be provided in writing within 14 working days of the Gate's decision in respect of the complaint and must outline the reasons for the appeal. The appeal will be heard on the points raised and will not involve a reinvestigation of the complaint.

MALICIOUS OR VEXATIOUS COMPLAINTS

Where it is believed that there is an abuse of the policy by bringing forward malicious, intentionally exaggerated or knowingly false claims, the Gate's disciplinary procedure may be invoked against a complainant, which may result in dismissal with or without notice.

REVIEW OF POLICY

This policy will be reviewed regularly and may be changed at our discretion to reflect our experiences in implementing it, any relevant changes in our workplace, and any external factors that we consider relevant. Management will be responsible for ensuring that such reviews take place.

MONITORING

We will continue to monitor and record any incidents of bullying, harassment or sexual harassment to assist in taking corrective action and the continuous improvement of these policies and procedures.

Employees will be provided with appropriate training and supervision on issues related to bullying, harassment or sexual harassment at work including the provision of training for Line Managers, and for all staff, at induction or through appropriate awareness-raising initiatives.

Appendix 3 – Declaration Form



Declaration Form

for all employees, students, volunteers,
contracted artists and all other personnel
working in **The Gate Theatre** with children and
young people

Working in **The Gate Theatre** may involve access to children. As an organisation committed to the welfare and safeguarding of children, all staff, volunteers, contracted artists and other personnel working with children must this declaration at the time of their engagement.

Surname: _____ **Forename:** _____

Date of Birth: _____ **Place of Birth:** _____

Any name(s) previously known as: _____

Have you ever been convicted of a criminal offence or been the subject of a Caution or of a Bound Over Order?

Yes ☐ No ☐

If yes, please state below the nature and date(s) of the offence(s):

Nature of offence(s): _____

Date of the offence(s): _____

I, _____ hereby declare that there is no reason why I would be unsuitable to work with children.

I hereby authorise The Gate Theatre to carry out a Garda Vetting check on my name and will fill in any forms and provisions required for this process including proof of identity.

Signed: _____ **Date:** _____

Appendix 4 – Training Supports Child Safeguarding Information Sources

All staff will be directed to and must be familiar with The Gate Theatre's Child Safeguarding Policy. The DLP/Deputy DLP will go through it in detail during a training session. In addition the following TUSLA presentation can be used to highlight and provide an overview of the key elements of Children First.

Children First: National Guidance for the Protection and Welfare of Children -
https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

Child Safeguarding: A Guide for Policy, Procedure and Practice 2nd Edition
[https://www.tusla.ie/uploads/content/Tusla - Child Safeguarding - A Guide for Policy, Procedure and Practice.pdf](https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy_Procedure_and_Practice.pdf)

The Arts Council <https://www.artscouncil.ie/Arts-in-Ireland/Young-people--children-and-education/Child-protection-and-welfare/>

Introduction to Children First E-Learning Programme
<https://youtu.be/HjitN5EWQvo>

Access to Children First E-Learning Programme
<https://www.tusla.ie/children-first/children-first-e-learning-programme/> and
<https://childrenfirstuniversal.hseland.ie/en/>

TUSLA Presentation on Children First -
http://www.tusla.ie/uploads/content/CF_briefing_10_08_2016.pdf

TUSLA Presentation Explanatory Notes -
http://www.tusla.ie/uploads/content/ChildrenFirstpres_explan_notes_10_08_16.pdf

Children First Training with Tusla
<http://www.tusla.ie/children-first/roles-and-responsibilities/organisations/children-first-training>

OTHER SUPPORTS

Duty Social Worker Numbers
<http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker>
[http://www.artscouncil.ie/uploadedFiles/wwwartscouncilie/Content/Arts in Ireland/Young people, children and education/Child protection and welfare/HSE-Duty-Social-Work-Contact-List-by-County_Nov2009.pdf](http://www.artscouncil.ie/uploadedFiles/wwwartscouncilie/Content/Arts_in_Ireland/Young_people,_children_and_education/Child_protection_and_welfare/HSE-Duty-Social-Work-Contact-List-by-County_Nov2009.pdf)

Data Protection Information - <http://www.dataprotection.ie/>

National Vetting Bureau - <https://vetting.garda.ie/>

Tusla Portal for submitting Child Protection and Welfare Report Forms (CPWRFs) and Retrospective Abuse Report Forms (RARFs)

<https://www.tusla.ie/children-first/web-portal/>

Children First - http://www.dohc.ie/publications/children_first.html

Our Duty of Care - http://www.dohc.ie/publications/our_duty_to_care.html

Appendix 5 – Definitions of Child Abuse

As set out on [*Children First: National Guidance for the Protection and Welfare of Children*](#) there are four areas of child abuse - neglect, emotional abuse, physical abuse and sexual abuse. A child may be subject to abuse in a number of settings – their home by their family, in the community, at school, at clubs they may attend and their abuser may or may not be known to them.

The impact of the behaviour, that may be under suspicion of being abuse, is the deciding factor of whether the behaviour is neglect or abuse rather than the intention of the person conducting the behaviour. Where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser. Definitions of neglect and abuse are set out below to assist in recognizing abuse from a child's description:

1. Neglect:

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. 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. 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 or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

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

2. Emotional abuse

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. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. 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. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

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 depends on his or her behaviours or actions
- Extreme overprotectiveness
- 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/her age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

3. Physical abuse

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. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

- 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 Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

4. Sexual abuse

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.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

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 a 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

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of this Guidance.

Circumstances which may make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse. Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm. The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or carer factors:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> ▪ Drug and alcohol misuse ▪ Addiction, including gambling ▪ Mental health issues ▪ Parental disability issues, including learning or intellectual disability ▪ Age ▪ Gender ▪ Sexuality ▪ Disability | <ul style="list-style-type: none"> ▪ Mental health issues, including self-harm and suicide ▪ Conflictual relationships ▪ Domestic violence ▪ Adolescent parents ▪ Communication difficulties ▪ Trafficked/Exploited ▪ Previous abuse ▪ Young carer |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans.

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

Appendix 6 – Confidentiality Policy

The Gate's Confidentiality Policy is set out in The Employee Handbook as Follows:

CONFIDENTIALITY IS PARAMOUNT

SENSITIVE INFORMATION

Every effort is taken by the Gate to ensure that its activities and its clients' business activities are treated with absolute confidentiality.

In this Policy, "Confidential Information" means any proprietary information, whether or not protectable as a trade secret which provides an advantage to a competitor or which a party wishes to designate as confidential for a valid business reason or, without prejudice to the generality of the foregoing, which concerns the business, finance or business of the Gate, its owners, patrons, actors, clients, officers directors, employees or any associated entity, their suppliers or customers which shall have come to your knowledge during the course of your employment. By way of illustration only and not limitation information will prima facie be confidential if it relates to the Gate and any of its or any associated entity's trade secrets, production plans, research and developments, information relating to intellectual property, software (object or source codes), suppliers and their production and delivery capabilities, customers and details of their particular business and requirements, costings, profit margins, discounts, rebates and other financial information, marketing and selling strategies and tactics, current activities and current and future plans relating to all or any of development or sales including the timing of all or any such matters, the development of new products or plays, or technical design or specifications of the products of the Gate or any associated entity.

Staff agree to keep all Confidential Information, documents and all other material or matters arising or coming to their attention in connection with the performance of their duties, secret and confidential and not at any time for any reason whatsoever to disclose them or permit them to be disclosed to any third party except as permitted hereunder to enable them to carry out their duties and obligations.

Staff agree that they will treat as secret and confidential and not at any time for any reason disclose or permit to be disclosed to any person or persons or otherwise make use of or permit to be made use of any Confidential Information or any such information relating to any shareholders, suppliers, or customers of the Gate or any associated entity where knowledge or details of the information was received prior to or during your employment with the Gate.

The obligations of confidence referred to in this section shall not apply to any Confidential Information which:

- is published or is otherwise in the public domain prior to the receipt of such Confidential Information or other information by you; or
- is or becomes publicly available on a non-confidential basis through no fault of your own; or
- is received in good faith by you from a third party who, on careful enquiry by you, claims to have no obligations of confidence to the Gate in respect of it and who imposes no obligations of confidence upon you.

Staff obligations under this policy shall survive the expiry or the termination of this policy for

whatever reason and shall apply to any of their officers, servants or agents.

Staff shall not during the continuance of their employment make, otherwise than for the benefit of the Gate, any notes or memoranda relating to any matter within the scope of the business of the Gate and any associated entity, nor shall you either during the continuance of your employment or afterwards, use or permit to be used any such notes or memoranda otherwise than for the benefit of the Gate. Any such notes or memoranda made or compiled by them shall be the property of the Gate and shall be returned to the Gate upon the termination of their employment and for the avoidance of doubt the copyright in any such notes or memoranda shall vest in the Gate.

RETURN OF PROPERTY

Staff will deliver to the Gate, on termination of their employment, or at any time it may so request, all documents, notes, records, manuals, programmes or any other materials or property belonging to the Gate or relating to customers and/or third parties, which they may then possess or have under their control. Staff may not, without the Gate's consent, keep copies of these items.

Staff may not remove from the Gate's premises at any time, without proper advance authorisation, any document or other property which belongs to the Gate or contains or refers to any Confidential Information, its customers or third parties. Staff will return to the Gate any documents or other organisation property that subsequently comes into their possession or procurement in the future.

USE OF PREMISES

All employees must refrain from use of facilities in the Gate Theatre outside of normal working hours.

Appendix 7 – H&S Incident Reporting Form



THE GATE THEATRE **INCIDENT REPORT FORM**

INFORMATION ABOUT THE PERSON INVOLVED IN THE INCIDENT:

Full Name: _____

Home Address: _____

Gender (circle): M F

Status (circle): Employee (Full-time, part-time, perm., temp.)

Date of Birth: _____

Phone number: _____

INFORMATION ABOUT THE INCIDENT:

Date of Incident: _____

Time of Incident: _____

Ambulance or Police notified: Yes No Case #: _____

Location of Incident: _____

Describe what happened, how it happened, factors leading to the event, substances or objects involved. Be as specific as possible (attach separate sheet if necessary):



Were there any witnesses to the incident? Yes No

If yes, list names, addresses and phone numbers at the bottom of this form

Was the individual injured? If so, describe the injury (laceration, sprain, etc.), the part of body injured and any other information known about the resulting injury(s):

Was medical treatment provided (circle)? Yes No Refused

If so, where (circle): Emerg. Rm. The Workplace

Walk In Clinic Other: _____

If first aid administered, please state by whom: _____

Is this person trained in first-aid (circle)? Yes No Unknown

Will the employee miss time from work as a result of this incident (circle)?

Yes No Unknown

REPORTER INFORMATION

Print Name of Reporter: _____

Reporter Signature: _____

Reporter Title:

Date Report Completed:

Please return this form to the Head of Operations. For further information, please call Liz Martin on 086-067 263

Appendix 8 – Child Safeguarding Incident Reporting Form



CHILD SAFEGUARDING INTERNAL INCIDENT REPORT FORM

INFORMATION ABOUT THE CHILD/YOUND PERSON INVOLVED IN THE INCIDENT:

Full Name: _____

Gender (circle): M F

Nature of Engagement with The Gate: _____

INFORMATION ABOUT THE PERSON WHOM THE COMPLAINT IS BEING MADE:

Full Name: _____

Nature of Engagement with The Gate: _____

INFORMATION ABOUT THE INCIDENT:

Date of Incident(s): _____

Time of Incident(s): _____

Location of Incident: _____

Describe what happened, how it happened, factors leading to the event. Be as specific and factual as possible (attach separate sheet if necessary):



Were there any witnesses to the incident? Yes No

If yes, list names, addresses and phone numbers at the bottom of this form

REPORTER INFORMATION

Print Name of Reporter: _____

Reporter Signature: _____

Reporter Title:

Date Report Completed:

Please return this form to the Designated Liaison Person (DLP) or Deputy DLP.

Appendix 9 – The Gate’s Data Protection Policy

Introduction

The Data Protection Acts 1988 and 2003 (“the Acts”) provide rules which apply to the collection, use, disclosure and transfer abroad of information about individuals which includes employee and client personal data. The Acts set out the principles that the Gate must follow when processing personal data about individuals and also gives individuals certain rights in relation to personal data that is held about them.

The aims of this policy are:

- To assist the Gate in meeting its obligations under the Acts;
- To regulate the Gate’s use of information relating to employees and others who work for the Gate; and
- To ensure that employees and others working for the Gate are aware of both their rights in relation to the personal data that the Gate holds about them, and their responsibilities as regards personal data they may process about clients and other individuals as part of their job.

For ease of reference, this policy refers to “employees”, but it applies equally to others working for the Gate.

Data Protection Principles

The Acts place an obligation on data controllers, such as the Gate, to observe the data protection principles. In summary these principles require that personal data must:

- Be obtained and processed fairly
- Be used and disclosed for specified, explicit and legitimate purposes and not in any manner incompatible with those purposes
- Be adequate, relevant and not excessive
- Be accurate, complete and up-to-date
- Not be kept for longer than is necessary for the purpose(s) for which it was obtained
- Be processed in line with the rights given to individuals under the Acts
- Be kept safe and secure
- Not be transferred to countries without adequate levels of data protection Employees have an obligation to comply with these principles where appropriate

What is personal data?

Personal data is data relating to a living individual who is or can be identified either from the data itself or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller. The data protection principles apply to any sort of personal data, which is either electronically processed (e.g. on a database) or which is held or intended to be in a structured filing system (e.g. a set of personnel files).

Personal data is normally obtained directly from the employee concerned. In certain circumstances, it will, however, be necessary to obtain data from third parties, e.g., references from previous employers. Where relevant to the nature of the work, the Gate may make an application to the Garda Vetting Bureau for Garda clearance of an employee.

Certain personal data is classified as “sensitive personal data”. This is personal data relating to a person’s racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union, physical or mental health, sexual life or any criminal offence or related proceedings. For example, the Gate may, where necessary in connection with employment, collect and process sensitive personal data in respect of your health.

The Gate’s Obligations

“Processing” includes the obtaining, recording, keeping and disclosing of data. Generally, processing of employee personal data may only be done with the employee’s consent. However, such consent is not required in certain circumstances, for example where the processing is necessary for compliance with a legal obligation or where the processing is necessary for the performance of a contract to which the employee is a party e.g. an employment contract.

Nature of Employee Information

The Gate holds and processes certain personal information about you as part of its general employee records. The records may include your address, contact details, payroll details, educational history, position, etc. This sort of information is known as “personal data” under the Acts. Employee information is also held on personnel and operational databases. In some cases, the HR or your Line Manager might also hold employee information in their own files.

Sensitive personal data may include records of sickness absence, medical certificates and medical reports. The purpose of processing this type of information is generally to manage the recruitment process, to administer benefit plans, to monitor and manage sickness absence and to comply with health and safety legislation. If sensitive personal data relating to you is being processed for reasons otherwise than those set out above or otherwise permitted by law, your explicit consent will be sought.

The Gate is under a legal obligation to keep certain data for a specified period of time. In addition, the Gate will need to keep personnel data for a period of time in order to protect its legitimate interests.

Purpose of Processing General Employee Information

The Gate needs to collect and use personal data about employees for a variety of personnel, administration, work and general business management purposes. These include administration of the payroll system, the administration of employee benefits (such as leave entitlements), facilitating the management of work and employees, carrying out appraisals, performance and salary reviews, operating and checking compliance with the Gate’s employment rules and policies, operating the Gate’s IT and communications systems, checking for unauthorised use of those systems, and to comply with record keeping and other legal obligations.

Keeping Employee Information

The Gate will take steps to ensure that the employee information it holds is accurate and up-to-date. For example, you will be asked to inform the Gate of any changes required to update your employee information (such as a change of address). From time to time you will be asked to supply updated personal information as part of our annual review of personal data held to ensure that the Gate meets its data protection obligations. The Gate will also take steps to ensure that it does not keep any information about employees for longer than is necessary.

Transfer of Employee Information

The Gate may make some information about you available to the Gate’s advisers and/or data processors such as lawyers, accountants, payroll administrators, benefits providers (for example,

pension scheme providers), to those providing products or services to the Gate (such as IT and other outsourcing providers) and to government and/or regulatory authorities. These recipients may be located outside the European Economic Area. In this case, the Gate will, as far as is possible, ensure that the recipients of the information, both within and outside the Gate, comply with the contents of this policy.

Security and disclosure of data

The Gate will take all reasonable steps to ensure that appropriate security measures are in place to protect the confidentiality of both electronic and manual data. Security measures will be reviewed from time to time, having regard to the technology available, the cost and the risk of unauthorised access. Employees must implement all organisational security policies and procedures, e.g., use of computer passwords and locking filing cabinets.

Employee data will only be processed for employment-related purposes and, in general, will not be disclosed to third parties, except where required or authorised by law or with the agreement of the employee. Personnel files are normally stored in the Gate's office and employees who have access to these files must ensure that they treat them confidentially. In particular, employees working in the payroll department must treat all personal data they receive confidentially and must not disclose it, except in the course of their employment.

Employees may have access to a certain amount of personal data relating to colleagues, customers and other third parties. Employees must play their part in ensuring its confidentiality. They must adhere to the data protection principles and must not disclose such data, except where necessary in the course of their employment, or in accordance with law. They must not remove or destroy personal data except for lawful reasons.

Any breach of the data protection principles is a serious matter and may lead to disciplinary action up to and including dismissal. If employees are in any doubt regarding their obligations, they should contact the Gate's data protection officer.

Medical data

If an employee attends the Gate's nominated doctor as part of a process to determine fitness for work following sick leave, the employee is entitled to request access to their medical reports provided by that Doctor. Should an employee wish to do so, they should contact HR who will consult with the doctor who examined them and request the data. The final decision lies with the doctor. Employees are required to submit sick certificates in accordance with the sick pay policy. These will be stored by the Gate, having the utmost regard for their confidentiality.

E-mail monitoring

The Gate provides e-mail facilities and access to the internet. In order to protect against the dangers associated with e-mail and internet use, screening software is in place to monitor e-mail and web usage. Mailboxes may be opened in certain circumstances. Please refer to the e-mail and internet usage policies for further details.

Closed circuit monitoring

The Gate has CCTV cameras located at the entrance to the box office, the entrance to its offices, and to the rear of the Gate's building. This is necessary in order to protect against theft or pilferage, for the security of staff and the Gate's property. Access to the recorded material will be strictly limited to authorised personnel. The Gate reserves the right to use information obtained by CCTV for

disciplinary or performance management purposes. Further guidance regarding the use of CCTV is outlined in the Gate's CCTV policy at section 1.28.

Data Protection Officer

The data protection officer bears overall responsibility for ensuring compliance with data protection legislation. All employees must co-operate with the data protection officer when carrying out their duties.

The data protection officer is also available to answer queries or deal with employees' concerns about data protection.

Your rights under the Data Protection Rules

The Acts give you (and anyone else about whom personal data is held) specific rights in relation to the information that is held about you. Some of these rights are summarised below.

Under the Acts, you are entitled to:

- Obtain confirmation that the Gate holds personal information about you, as well as a written description of the information, the purposes for which it is being used, the sources of the information, and the details of any recipients; and
- Obtain access to the personal information, which is held about you.

It is important to note that this is not an absolute right to review all the information that is held about you, as there are various exceptions to this right contained in the Acts. These include:

- a. where personal data is kept for the purpose of preventing, detecting or investigating offences and related matters; and
- b. where the data is an expression of opinion about you given by another person in confidence.

In certain circumstances, you can ask for the deletion or rectification of information, which we hold about you, which is not accurate, or request that your personal information be used for specific purposes.

Your responsibilities under Data Protection Rules

As well as having rights under the Acts, all employees, when processing personal data, must comply with the data protection rules set out in this Policy. Failure to comply with the rules and requirements in relation to data protection may result in disciplinary action being taken against you.

Your Personal Information

In order to assist the Gate in ensuring that your personal information is kept up to date, you should inform HR of any changes to the following information:

- CV / application form
- Address and other contact details
- Emergency contact name
- Bank account details

Right to object

In some circumstances, employees have the right to object to data processing that is causing them distress. Where such objection is justified, the Gate will cease processing the data unless it has a legitimate interest that prevents this. The Gate will make every effort to alleviate the distress caused to the individual.

An objection should be made in writing to the data protection officer, outlining the data in question and the harm being caused to the employee.

Personal information relating to employees and clients

If, as part of your job, you hold any personal information about other employees of the Gate, clients or about anyone else, then you also need to take steps to ensure that you are following the guidelines set out in this policy. The following guidelines apply equally to documents containing personal information, which are kept in files, as well as information, which is kept electronically

- You should not keep personal information about people which you no longer need or which is out of date or inaccurate. You should therefore review any personal information that you hold from time to time, bearing these principles in mind.
- All personal information must be kept securely and should remain confidential.
- If you receive a request from someone to give them any personal data about an employee or client (or other individual) you should refer them to HR. The Gate needs to verify the identity of the person making such a request and has to balance various considerations when deciding whether and how to respond to such request, including compliance with the Acts. It is therefore important to refer such requests to HR so that that person can ensure the Gate's obligations are complied with.
- Accessing, disclosing or otherwise using employee records or other personal data without authority will be treated as a serious disciplinary offence and may result in disciplinary action being taken in accordance with the Gate's disciplinary procedure up to and including dismissal.

If you are unsure about the application of these guidelines to the information you hold as part of your job, you should contact your Line Manager and/or HR for further guidance.

Variation

The Gate may issue further guidance or make amendments to this policy from time to time, which will be notified to you.