



An Binnse um Achtomhairc i dtaobh Cosant Idirnáisiúnta  
The International Protection Appeals Tribunal

# Child Safeguarding Statement of the International Protection Appeals Tribunal

## 1. Name of service being provided:

**International Protection Appeals Tribunal**

## 2. Nature of service and principles to safeguard children from harm

### a. Mandate of the Tribunal

The International Protection Appeals Tribunal was established in accordance with section 61 of the International Protection Act 2015 (hereinafter referred to as 'the Act'). The Tribunal is a statutorily independent body and exercises a quasi-judicial function under the International Protection Act 2015.

The Tribunal decides appeals of those persons in respect of whom an international protection officer has recommended that they should not be given a refugee declaration and should be given a subsidiary protection declaration and of persons in respect of whom an international protection officer has recommended that they should be given neither a refugee declaration nor a subsidiary protection declaration. The Tribunal also determines appeals under the Dublin System Regulations, as well as appeals against recommendations that an application be deemed inadmissible and appeals against recommendations that the making of a subsequent application not be permitted.

The positions of Chairperson, Deputy Chairpersons and Members of the International Protection Appeals Tribunal are statutory positions created under the Act and all are appointed by the Minister for Justice and Equality, following the holding of a public competition by the Public Appointments Service.

All other officials of the Tribunal are administrative staff assigned to the Tribunal from the Department of Justice and Equality. Staff of the Tribunal do not work directly with children in their day-to-day activities. Children and/or unaccompanied minors who have an appeal before the Tribunal are at all times accompanied by a parent/guardian or a Tusla appointed guardian. It is the general policy of the Tribunal to restrict attendance by children at its premises to those directly involved in the hearings.

## b. Commitment to safeguard children<sup>1</sup>

### **Declaration of child protection principles**

The International Protection Appeals Tribunal is committed to maintaining the highest standards of child safeguarding, in line with all relevant legislation including the Children First Act 2015 and informed by best practice including Children First: National Guidance for the Protection and Welfare of Children (2017 edition) as published by the Department of Children and Youth Affairs.

### **Key child safeguarding principles:**

- The safety and protection of children who come into contact with the Tribunal, its Members and staff is of paramount importance.
- The Tribunal is committed to ensuring best practice is applied to keep children safe while availing of its services and that officials and Members comply with the obligations for all persons coming into contact with children as set out in the Children First Guidance.
- The Tribunal has implemented measures to raise awareness among all staff regarding child-safeguarding principles and best practice and these will be monitored and updated as necessary.
- In addition, the Chairperson's Guideline No.2017/5 on 'Appeals from Child Applicants' provides further guidance to Tribunal Members hearing appeals from minors and other vulnerable applicants and enables them to adapt the conduct of hearings to take into consideration various sensitivities and vulnerabilities.
- The Tribunal recognises that all Tribunal Members and officials have responsibilities to protect children and therefore have a duty to report child abuse as set out in the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children (2011).
- Tribunal Members and/or staff who make disclosures about suspected child abuse or neglect are protected by relevant legislation, including the Protection for Persons Reporting Child Abuse Act, 1998 which provides for the protection from civil liability of persons who have communicated child abuse or neglect "reasonably and in good faith" to Tusla or An Garda Síochána. This protection applies to organisations as well as to individuals.
- In line with best practice under the Children First National Guidance, Designated Liaison Persons (DLP) have been appointed in the relevant functional areas of the Tribunal.
- A general instruction has issued to Members/staff to contact their assigned DLP regarding any specific child safeguarding concern of which they may become aware in the course of their work.

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<sup>1</sup> <http://www.tusla.ie/services/child-protection-welfare/children-first/>

- Staff and Members will be provided with Children First training in accordance with their needs, responsibilities and interactions (if any) with children.
- All applicable Tribunal and, where appropriate, associated Department of Justice and Equality policies and procedures will be disseminated to Members and staff and will be available to any child or their parents/guardians coming into contact with the Tribunal.
- The Tribunal will not knowingly engage with any person, organisation or service provider that poses a risk to children or that does not meet the child protection safeguards outlined in the Children First Act and the Children First: National Guidance for the Protection and Welfare of Children (2011).

### 3. Risk assessment

The Tribunal has carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the areas of risk identified and the list of procedures for managing these risks.

Risk Identified	Control Measures
<p>1 Any risk to the safety of a child whilst on the Tribunal's premises.</p>	<p>It is the stated policy of the Tribunal that children should only attend the Tribunal premises when they are involved in a specific hearing.</p> <p>Adult applicants, due to attend a hearing in the Tribunal, are advised, in advance, that there are no facilities for children in the Office of the International Protection Appeals Tribunal.</p> <p>Staff members are directed not to take charge of any child attending the Tribunal. The care of the child is a matter for the parent, designated guardian or Tusla representative</p> <p><sup>2</sup>'unaccompanied minors' whose cases are to be heard by the Tribunal are always accompanied by a Tusla representative and a legal representative.</p> <p>A record is kept of all 'unaccompanied minors' attending the Tribunal premises and the details of the accompanying guardian who is responsible for their care.</p>
<p>2 Child in hearing when sensitive issues, which might be considered inappropriate for a</p>	<p>It is a matter for the Tribunal Member to make a decision on whether it is appropriate for the</p>

<sup>2</sup> Children who have not attained the age of 18 years can lodge applications for International Protection and in some cases; an adult did not accompany these children at the time of their application. Consequently, these cases can progress to the appeal stage.

	<p>child, are being discussed as part of the hearing.</p>	<p>child concerned to remain at the hearing. Tribunal Members dealing with children’s cases have all received training on ‘Children in the International Protection System’.</p> <p>The Chairperson's Guideline No. 2017/5 on ‘Appeals from Child Applicants’ provides guidance to Tribunal Members hearing appeals from minors and other vulnerable applicants and enables them to adapt the conduct of hearings accordingly and to take into consideration various sensitivities and vulnerabilities.</p>
3	<p>Failure to take appropriate action where a concern about the welfare or safety of a child comes directly to the Member’s attention, is noted in information received in connection with an appeal lodged or is raised in the course of a hearing.</p>	<p>The Tribunal’s Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla’s Child safeguarding: A Guide for Policy, Procedure and Practice.</p> <p>Staff and Members of the Tribunal have been instructed to contact their assigned DLP regarding any specific child safeguarding concern of which they may become aware in the course of their work.</p> <p>Staff and Members of the Tribunal will be provided with Children First training in accordance with their needs, responsibilities and interactions (if any) with children.</p>

#### 4. Procedures

The Tribunal's Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla's Child safeguarding: A Guide for Policy, Procedure and Practice. 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:

a. Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service

All reports of suspected abuse which meet the threshold detailed by TUSLA should be reported to TUSLA on a Child Protection and Welfare Report Form and, in the first instance, referred to the Designated Liaison Person. This form is available through the web portal on the TUSLA website. If there are questions surrounding whether a particular issue comes under the threshold, TUSLA will be contacted.<sup>3</sup>

Please note that the DLP's for the Tribunal are Stephen Hayden, Assistant Principal IPAT, for all officials of the Tribunal and John Stanley, Deputy Chairperson IPAT, for the Members of the Tribunal.

b. Procedure for the safe recruitment and selection of workers and volunteers to work with children

All administrative staff of the Tribunal are staff of the Department of Justice and Equality and are subject to the Department of Justice and Equality vetting procedures prior to assignment to the Tribunal.

Members of the Tribunal are appointed by the Minister for Justice and Equality, following the holding of a public competition by the Public Appointments Service (PAS), in accordance with the 2015 Act and they are subject to the PAS normal Garda vetting procedures.

c. Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm

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<sup>3</sup> Please note that for further information please see 'A Guide for the Reporting of Child Protection and Welfare Concerns' [http://www.tusla.ie/uploads/content/4214-TUSLA\\_Guide\\_to\\_Reporters\\_Guide\\_A4\\_v3.pdf](http://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf)

All staff in the International Protection Appeals Tribunal have undertaken online training through the system provided by Tusla with regard to child safeguarding and are aware of their legal obligations including the identification of the occurrence of harm and are fully aware of the threshold for when a DLP may need to be informed. Tribunal Members have been requested to complete the Tusla Children First E-Learning Programme.

In addition, the Chairperson of the Tribunal has issued Guideline No.2017/5 on 'Appeals from Child Applicants' and all Members of the Tribunal dealing with appeals from 'unaccompanied' child applicants have completed training on 'Children in the International Protection System'.

The provision of further child safeguarding training will be reflected in the Tribunal's Business Plan and will be included in each official's PMDS training needs identification.

#### d. Procedure for the reporting of child protection or welfare concerns to Tusla

All reports of suspected abuse which meet the threshold detailed by TUSLA should be reported to them on a Child Protection and Welfare Report Form. This form is available through the DLP or from the web portal on the Tusla website. Where there are questions surrounding whether a particular issue comes under the threshold further guidance is sought directly from Tusla.

Moreover, Tribunal Members must comply with their professional code of conduct and can consult their own professional body, either the Law Society of Ireland or the Bar Council of Ireland.

#### e. Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons

Not applicable

#### f. Procedure for appointing a relevant person

The Higher Executive Officer managing the Tribunal's Corporate Services Unit is normally appointed to act as the Relevant Person.

#### **Relevant Person**

The "relevant person acts the first point of contact in respect of the Tribunal's child safeguarding statement. Mr. Matthew Kennedy has been appointed as the (interim) "relevant person" in compliance with the Children First act 2015 pending the appointment of a Higher Executive Officer to manage the Tribunal's Corporate Services Unit.

[MXKennedy@protectionappeals.ie](mailto:MXKennedy@protectionappeals.ie) - Telephone 01-4748435

## Implementation

The Tribunal recognises that implementation of this Child Safeguarding Statement is an ongoing process. Our service is committed to the implementation of this Statement and the procedures that support our intention to keep children safe from harm while availing of the Tribunal's services. This Child Safeguarding Statement will be reviewed by 10<sup>th</sup> March 2020, or as soon as practicable after there has been a material change in any matter to which the Statement refers.

Signed:



Hilikka Becker

Chairperson, International Protection Appeals Tribunal

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