



**Child Protection Policy – Employer**

**Introduction**

This child protection policy incorporates the adoption and implementation, without modification, of the Department of Education and Skills' 'Child Protection Procedures for Primary and Post Primary Schools'.

The Designated Liaison Person (DLP) for Child Protection issues in DCW is Lorraine Mynes (Principal). The Deputy Designated Liaison Person (DDL) is Neal Martin (Deputy Principal).

A review of the school's child protection policy shall be conducted annually by the Board of Management. As part of the annual review of the school's child protection policy, the Board of Management shall specifically review the school's implementation of the 'Child Protection Procedures for Primary and Post Primary Schools' (1.4.2).

The Board of Management shall put in place an action plan to address any areas for improvement identified by the review and arrange for these to be dealt with as quickly as possible (1.4.3). The Board of Management shall make arrangements to inform school personnel (including the Parents Association) that the review has been undertaken (1.4.4).

**Summary of Board of Management's / Employer's Responsibilities in Child Protection**

To provide children with the highest possible standard of care in order to promote their well being and protect them from harm (3.1.1).

To ensure compliance with the Department's circulars, DES Procedures, Children First Guidelines, and any other legal requirements in relation to Garda vetting of school personnel and other persons who have or may have unsupervised access to children or vulnerable adults.

To ensure that all school personnel and board of management members have the necessary familiarity with these procedures to enable them to fulfil their responsibilities therein.

To adopt as school policy the 'Child Protection Procedures for Primary and Post-Primary Schools' and the DES circular 65/2011.

To designate a senior, full-time member of staff as the Designated Liaison Person for the school. It is expected that the DLP will normally be the Principal (3.2.1).

To designate another member of staff (to be known as the Deputy DLP) to assume the responsibilities of the DLP, where the DLP is unavailable for whatever reason (3.2.1).

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The DLP will act as a liaison with outside agencies and as a resource person to any staff member or volunteer who has child protection concerns (3.2.2).

At each Board of Management meeting the principal's report shall:

- (a) state the number of reports made to the HSE by the DLP, since the last Board of Management meeting and
- (b) state the number of cases, since the last Board meeting, where the DLP sought advice from the HSE and as a result of this advice, no report was made, or
- (c) where there were no such cases at (a) or (b) above, state this fact.

The minutes of the Board of Management meeting shall record the above.

Note: The Principal's report shall state only the number of cases at (a) and (b) and shall not include any other details of these cases (3.3).

All information regarding concerns of possible child abuse and neglect should be shared only on a 'need to know' basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue. The assurance of confidentiality should not be given to a third party who imparts information (1.9.1).

## Reporting

In cases where there are concerns about a child, but the Designated Liaison Person is not sure whether to report the matter to the HSE, the DLP shall seek advice from the HSE Children and Family Services. In consulting the HSE, the DLP shall be explicit that he/she is requesting advice and consultation and that he/she is not making a report. At this informal stage the DLP need not give identifying details.

If the HSE advises that a report should not be made, the DLP shall as soon as possible inform the Board of Management of this fact. In the interest of protecting the anonymity of the child, no details of the case should be disclosed to the Board of Management unless there are issues which need to be addressed directly by the Board of Management.

If the HSE advises that a report should be made, the DLP shall act on that advice. In all cases the DLP shall retain a record of the consultation with the HSE, which will note the date, the name of the HSE official and the advice given (4.2.1).

If the DLP is satisfied that there are reasonable grounds for the suspicion or allegation ([section 3.4](#) of the DES procedures) he/she shall report the matter to the HSE immediately (4.2.2).

The DLP shall immediately, or as soon as possible thereafter, inform the Board of Management that a report involving a child in the school has been submitted to the HSE. In the interest of protecting the anonymity of the child, no details of the report should be disclosed to the Board of Management unless there are issues which need to be addressed directly by the Board of Management (4.2.3). Where the HSE advises that a report should not be made, the DLP shall inform the Board of Management of this fact. Once again, in the interest of protecting the anonymity of the child, no details of the case should be disclosed to the Board of Management unless there are issues which need to be addressed directly by the Board of Management (4.2.4).



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All records created shall be regarded as highly confidential and placed in a secure location by the DLP (note [section 1.13](#) of DES procedures with regard to the Data Protection Acts) (3.6.2).

If the DLP decides that the concerns of the member of staff should not be reported to the HSE, the member of staff shall be given a clear statement, in writing, as to the reasons why action is not being taken (4.2.6).

Where a child transfers from or leaves a school (including transfers from primary to post-primary) and where the DLP is aware that a child protection report relating to that child has been made to the HSE in the past, the DLP should inform the HSE of the child's transfer/move (4.2.7).

**Allegations or suspicions of Child Abuse regarding School Employees:**

If the allegation is against a school employee it is important to note that there are two procedures to be followed:

- (a) the reporting procedure in respect of the allegation/suspicion;
- (b) the procedure for dealing with the employee.

In general the same person shall not have responsibility for dealing with the reporting issue and the employment issue. The Designated Liaison Person is responsible for reporting the matter to the appropriate HSE area while the employer is responsible for addressing the employment issues. However, where the allegation/suspicion relates to the DLP, the employer shall assume the responsibility for seeking advice from and/or for reporting the matter to the HSE, as appropriate (5.1.4).

School employees may be subject to erroneous or malicious allegations. Therefore any allegation of abuse or neglect shall be dealt with sensitively and support, including counselling, should be provided for staff where necessary. The Employee Assistance Service for teachers may be in a position to offer assistance to teachers. The employee shall be treated fairly which includes the right not to be judged in advance of a full and fair enquiry (5.1.6).

If the Board of Management decide that there is a requirement for a staff member to be put on administrative leave the written protocol authorising immediate action will be invoked (see [Appendix 6](#) of DES procedures - Protocol authorising immediate action). The principles of natural justice, the presumption of innocence and fair procedures shall be adhered to. It is very important to note that the actions described here are intended to be precautionary and not disciplinary (5.2.1).

Legal Advice should be sought.

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Where the protocol is invoked to absent an employee from the school an emergency meeting of the Board of Management shall be convened (5.2.2).

Once a disclosure is made by a child, a written record of the disclosure shall be made as soon as possible by the person receiving it. If a child wishes to make a written statement this should be allowed. Where an allegation of abuse or neglect is made by an adult, a written statement should be sought from this person. Whether or not the matter is being reported to the HSE, the DLP shall always inform the employer of the allegation (5.3.2). School employees, other than the DLP, who receive allegations of abuse or neglect against another school employee, shall report the matter without delay to the DLP (5.3.3).

It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee shall not be disclosed, other than as required under the DES procedures, until such time as the employee has been offered the opportunity to address and/or be represented to the employer (5.4.1).

When an employer becomes aware of an allegation of abuse or neglect against a school employee, the employer shall arrange to privately inform the employee of the following:

- (a) the fact that an allegation has been made against him/her;
- (b) the nature of the allegation;
- (c) whether or not the matter has been reported to the HSE (either by the

DLP or employer) (5.4.2).

The employee shall be given a copy of the written record and/or allegation, and any other related documentation while ensuring that appropriate measures are in place to protect the child (5.4.3).

Once the matter has been reported to the HSE the employee shall be offered the opportunity to respond to the allegation in writing to the employer within a specified period of time. The employee shall be told that his/her explanation to the employer would also have to be passed on to the HSE (5.4.4).

Where the employer is unsure as to whether the nature of the allegation warrants the absence of the employee from the school while the matter is being investigated, the employer shall consult with the HSE and/or An Garda Síochána for advice as to the action that those authorities would consider necessary. Following those consultations, the employer shall have due regard to the advice offered. If, in the opinion of the employer, the nature of the allegation warrants immediate action or the ratification of action taken under the protocol referred to in section 5.2 above, the employer shall direct that the employee absent himself/herself from the school with immediate effect. The principles of natural justice and fair procedures shall be applied (5.4.5). Where the employer has directed an employee to absent himself/herself from the school, such an absence would not imply any degree of guilt on the part of the school employee (5.4.7). The principles of due process and natural justice shall be adhered to by the employer at all times (5.4.8). The employer should take care to ensure that actions taken do not undermine or frustrate any assessment/investigation being conducted by the HSE or An Garda Síochána. It is strongly recommended that the employer maintain a close liaison with these authorities to achieve



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this (5.5.1). Any further follow up action required shall accord with established disciplinary procedures and shall only be made following consultation with the HSE (and An Garda Síochána if involved) (5.5.2).

Ratified by Board of Management: 6<sup>th</sup> September 2012

Reviewed: September, 2016

Reviewed and updated: 1/9/17

Signed: Lorcan Byrne

Chairperson, on behalf of the Board of Management



**Child Protection Policy - Staff**

**SUMMARY: Role of employee/voluntary worker who suspects child abuse or who receives a report of a Child Protection issue**

The *Children First* guidelines require that the HSE Children and Family Services shall always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect (3.4.2).

If a member of staff receives an allegation or has a suspicion that a child may have been abused or neglected, or is being abused or neglected, or is at risk of abuse or neglect he/she shall, without delay, report the matter to the Designated Liaison Person. A written record of the report shall be made and placed in a secure location by the DLP. The need for confidentiality at all times, as previously referred to in [section 1.9](#) of the DES procedures, shall be borne in mind. The supports of the school shall continue to be made available to the child (4.1). Where the allegation or concern relates to the DLP, the staff member shall, without delay, report the matter to the Chairperson of the Board of Management (4.1). In such cases, the Chairperson shall assume the role normally undertaken by the DLP and shall follow the procedures set out in [section 4.2](#) of the DES Procedures for dealing with the allegation or concern. In addition, the procedures in [Chapter 5](#) shall be followed (4.1).

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children.<sup>1</sup> It states:

‘A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation,

is guilty of an offence.’ (3.4.5).

**Staff should:**

- reassure the child, and endeavour to retain his or her trust, while explaining the need for action which will necessarily involve other adults being informed. It is important to tell the child that everything possible will be done to protect and



support her, but not to make promises that cannot be kept e.g. promising not to tell anyone else (3.5.2),

## Child Protection Policy – Staff *continued*:

- deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened (3.5.3),
- stay calm and not to show any extreme reaction to what the child is saying. Listen compassionately and take what the child is saying seriously (3.5.3),
- The child should understand that it is not possible that any information will be kept a secret (3.5.3),
- No judgmental statement should be made about the person against whom the allegation is made (3.5.3),
- The child should not be questioned unless the nature of what she is saying is unclear. Leading questions should be avoided. Open, non-specific questions should be used such as “Can you explain to me what you mean by that?” (3.5.3),
- The child should be given some indication of what would happen next, such as informing the Designated Liaison Person, parents/carers, HSE or possibly An Garda Síochána (3.5.3),
- Record the disclosure immediately afterwards using, as far as possible, the child’s own words (3.5.3),
- If the person reporting is an adult, invite him/her to provide a written account of the matter.
- The duty of the recipient of such information is to report it to the Designated Liaison Person as outlined in [Chapter 4](#) of DES procedures. It must always be remembered that school personnel have a supportive, not an investigative role.
- Keep the matter strictly confidential.
- When child abuse or neglect is suspected, it is essential to have a written record of all the information available. School personnel shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail and, if appropriate, sketched. Any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. The record of the discussion shall be signed, dated and given to the DLP who shall retain it (3.6.1)

### **Staff should not:**

- Question the person reporting, other than to seek clarification.
- Make any judgmental statements.
- Give any undertaking of secrecy.
- Start to investigate.



In the event that the DLP decides not to report the allegation to the Health Service Executive, the member of staff who reported the matter will be given a written statement as to why action is not being taken.

**Child Protection Policy – Staff continued:**

The member of staff who reports an allegation to the DLP may be asked to attend a Child Protection Conference. The DLP will consult the Board of Management before responding to such a request.

A member of staff reporting an allegation or suspicion in good faith has the legal protection of qualified privilege at common law (1.4.). The freedom of Information Acts and the Data Protection Acts will apply to records kept.

Ratified by Board of Management: September, 2012

For Review: One year.

Last Review: September, 2016

Reviewed: 1/9/17

Signed : \_\_\_\_\_

Chairperson, on behalf of the Board of Management