

1. Child Protection Policy – Scoil Neasáin

1.1 This document is based on the National Guidelines for the Protection and Welfare of Children, *Children First*, and the Department of Education and Science's Guidelines and Procedures, *Child Protection*, issued in 2001.

1.2 Employees of Scoil Neasáin are advised to read these two documents, and to refer to them in all instances of suspicion or allegations of abuse or neglect of a child. This policy is a summary of the 'Child Protection' guidelines, issued by the Department of Education and Science.

1.3 In the interests of the welfare and protection of children, it is incumbent on school authorities and teachers to adhere to these guidelines in dealing with allegations or suspicions of child abuse. The Department of Education and Science, the health boards and the partners in education are in agreement that these guidelines should be followed at all times. These guidelines replace the 1991 guidelines that issued to all primary schools.

1.4 It is the policy of Scoil Neasáin's Board of Management that these Guidelines are followed closely to ensure as far as possible the protection and welfare of every child in Scoil Neasáin.

2. Legal Framework

2.1 Protection for Persons Reporting Child Abuse Act, 1998

The Protection for Persons Reporting Child Abuse Act, 1998 came into operation on 23rd January 1999. Its main provisions are:

- i) The provision of immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers of health boards or any member of the Garda Síochána.
- ii) The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal.
- iii) The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities "knowing that statement to be false". This is a new criminal offence designed to protect innocent persons from malicious reports.

2.2 Qualified privilege

While the legal protection outlined in 2.1 above only applies to reports made to the appropriate authorities (i.e. the health boards and An Garda Síochána), this legislation has not altered the situation in relation to common law qualified privilege which continues to apply as heretofore. Consequently, should a member of a Board of Management or school personnel furnish information with regard to suspicions of child abuse to the Designated Liaison Person of the school, or to the Chairperson of the Board of Management, such communication would be regarded under common law as having qualified privilege.

2.3 Freedom of Information Act, 1997

Any reports which are made to health boards may be subject to the provisions of the Freedom of Information Act, 1997, which enables members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Act also provides that public bodies may refuse access to information obtained by them in confidence.

3. Confidentiality

3.1 All information regarding concerns of possible child abuse should only be shared 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.

3.2 However, giving information to those who need to have that information, for the protection of a child who may have been, or has been abused, is not a breach of confidentiality.

3.3 Any Designated Liaison Person who is submitting a report to the health board or An Garda Síochána should inform a parent/guardian unless doing so is likely to endanger the child or place the child at further risk. A decision not to inform a parent/guardian should be recorded together with the reasons for not doing so.

3.4 In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with the appropriate health board, An Garda Síochána should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending health board intervention.

4. Responsibilities of all school personnel

4.1 There is an obligation on schools to aim to provide pupils with the highest possible standard of care in order to promote their well being and protect them from harm.

4.2 All school personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in children. In situations where school personnel suspect abuse, they should ensure that such concerns are reported in accordance with the procedures outlined in Chapter 3 of the 'Child Protection' guidelines, and which are summarised in this policy.

4.3 Designated Liaison Person

4.3.1 All Boards of Management must designate a senior member of staff to have specific responsibility for child protection. This person will be the Designated Liaison Person for the school in all dealings with health boards, An Garda Síochána and other parties, in connection with allegations of abuse. Those other parties should be advised that they should conduct all matters pertaining to the processing or investigation of alleged child abuse through the Designated Liaison Person. It is expected that the Designated Liaison Person will normally be the Principal Teacher.

4.3.2 The Board of Management of Scoil Neasáin have decided that two people would be named as Designated Liaison Persons.

4.3.3 The Board of Management has designated Deirble Nic Conghamhna as the Designated Liaison Person and Máire Ní Mhaoileoin as the Deputy Designated Liaison Person in Scoil Neasáin.

4.3.4 In this Policy, and in reading the *Child Protection* guidelines with respect to Scoil Neasáin, the term 'Designated Liaison Person' should be taken to mean one of the two designated people named in 4.3.3. (Deirble Nic Conghamhna or in her absence Máire Ní Mhaoileoin)

4.3.5 The Designated Liaison Person should immediately inform the Chairperson of the Board of Management of the school that a report involving a pupil in the school has been submitted to the relevant health board.

5. Definition of Child Abuse

5.1 Child Abuse can be categorised into four different types: Neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time.

5.2 The following are the definitions of each type of abuse from the National Guidelines for the Protection of Children (*Children First*).

i. Neglect

Neglect can be defined in terms of an *omission*, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care.

ii. Emotional Abuse

Emotional abuse occurs when a child's need for affection, approval, consistency and security are not met.

iii. Physical Abuse

Physical abuse is any form of non-accidental injury or injury which results from wilful or neglectful failure to protect a child.

iv. Sexual Abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others.

5.3 Chapter 3 of the *Children First* Guidelines gives a fuller definition and examples of each type of abuse. Teachers should familiarise themselves with the contents of this chapter.

6. How to recognise possible signs of abuse

6.1 Indicators of possible abuse are outlined in Chapter Three and Appendix One of the *Children First* guidelines. Teachers should familiarise themselves with the contents of those sections. No one indicator should be seen as conclusive in itself and may indicate conditions other than child abuse.

6.2 It is important that all school personnel would consult the relevant sections of *Children First* where they have concerns regarding possible abuse. The Designated Liaison Person should be able to provide school personnel with a copy of *Children First*.

6.3 The *Children First* guidelines state that a health board should always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been or is being abused or at risk of abuse. The following examples are quoted as constituting reasonable grounds for concern:

- i) Specific information from the child that he/she was abused;
- ii) An account by a person who saw the child being abused;
- iii) Evidence, such as injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
- iv) 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 is a case of abuse – e.g. a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour; and
- v) Consistent evidence, over a period of time that a child is suffering from emotional or physical neglect.

7. Handling Disclosure from children

7.1 When information is offered in confidence, the member of staff will need tact and sensitivity in responding to the disclosure. The member of staff will need to reassure the child, and retain his or her trust, while explaining the need for action and the possible consequences, 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 him/her, but not to make promises that cannot be kept e.g. promising not to tell anyone else.

7.2 While the basis for concern must be established as comprehensively as possible, the following advice is offered to school personnel to whom a child makes a disclosure of abuse:

- Listen to the child
- Do not ask leading questions nor make suggestions to the child
- Offer reassurance but do not make promises
- Do not stop a child recalling significant events
- Do not over react
- Explain that further help may have to be sought
- Record the discussion accurately and retain the record

This information should then be reported to the Designated Liaison Person as outlined in Chapter 3 Paragraph 3.1.1 (page 11) of these guidelines. The record of the discussion should be given to and retained by the Designated Liaison Person.

8. Keeping track of records

8.1 When child abuse is suspected, it is essential to have a record of all the information available.

8.2 Staff should note carefully what they have observed and when they observed it. Signs of physical injury should be described in detail and, if appropriate, sketched.

8.3 Any comment by the child concerned, or by any other person, about how an injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.

8.4 All records so created should be regarded as highly confidential and retained in a secure location by the Designated Liaison Person.

8.5 It is possible that school personnel may subsequently be invited to attend a child protection conference by the appropriate health board. Please consult Chapter 3 Paragraph 3.4 (page 13) of the *Child Protection* Guidelines for further information on child protection conferences.

9. Reporting of concerns and role of Health Boards

9.1 Action to be taken by school personnel

If a school employee receives an allegation or has a suspicion that a pupil is being abused the school employee should, in the first instance, report the matter to the Designated Liaison Person in that school. The need for confidentiality at all times, as previously referred to in section 3.1 of this policy, should be borne in mind.

9.2 Action to be taken by Designated Liaison Person

9.2.1 If the school employee and the Designated Liaison Person are satisfied that there are reasonable grounds for the suspicion or allegation the Designated Liaison Person should report the matter to the relevant health board immediately.

9.2.2 Each health board area has a social worker on duty for a certain number of hours each day. The duty social worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns. It is generally most helpful if persons wishing to report child abuse concerns make personal contact with the duty social worker.

9.2.3 In the event of an emergency, or the non-availability of health board staff, the report should be made to An Garda Síochána. This may be done at any Garda Station.

9.2.4 In cases where school personnel have concerns about a child, but are not sure whether to report the matter to the appropriate health board, the Designated Liaison Person should seek advice from the appropriate health board staff. It would not be envisaged at this informal stage that the Designated Liaison Person would have to give identifying details as are required when a report is being made. If a health board advises that a referral should be made, the Designated Liaison Person should act on that advice.

9.2.5 It is recommended that all reports should include as much as possible of the information sought in the Standard Reporting Form as outlined in Appendix 1 of the *Child Protection* guidelines.

9.2.6 When such a report is being made to a health board, the Chairperson of the Board of Management of the school should be informed.

9.2.7 A decision on whether or not parents/guardians of the child should also be informed should be taken in accordance with the information contained in Section 3.3 of this policy.

10. Allegations or suspicions of child abuse by school employees

10.1 The most important consideration to be taken into account by a Board of Management is the protection of children, and their safety and well-being must be a priority. However, because of the involvement of school employees, the Board of Management has duties in respect of them as well.

10.2 As employers, Boards of Management should note that legal advice should always be sought in these cases as circumstances can vary from one case to another and it is not possible in these guidelines to address every scenario.

10.3 It is important to note that there are two procedures to be followed:

i) the reporting procedure in respect of the allegation;

ii) the procedure for dealing with the employee.

10.4 .In the case of primary schools, the Designated Liaison Person is responsible for reporting the matter to the appropriate health board while the Chairperson of the Board of Management, acting in consultation with his/her Board, is responsible for addressing the employment issues.

10.5 The primary aim of Boards of Management is to protect the children within the school to whom they have a duty of care. However, school employees may be subject to erroneous or malicious allegations. Therefore any allegation of abuse should be dealt with sensitively and the employee fairly treated. This includes the right not to be judged in advance of a full and fair enquiry.

10.6 Reporting procedure

10.6.1 Where an allegation of abuse is made against a school employee, the Designated Liaison Person within the school should immediately act in accordance with the procedures outlined in Chapter 3 Paragraph 3.2 (page 11) of the *Child Protection* Guidelines.

10.6.2 A written statement of the allegation should be sought from the person/agency making the allegation (parents/guardians may make a statement on behalf of the child). Whether or not the matter is being reported to the appropriate health board, the Designated Liaison Person should always inform the Chairperson of the Board of Management of the allegation.

10.6.3 School employees, other than the Designated Liaison Person, who receive allegations of abuse against another school employee, should report the matter without delay to the Designated Liaison Person. School employees who form suspicions regarding the conduct of another school employee should consult with the Designated Liaison Person. The Designated Liaison Person should then follow the prescribed procedures as laid out in Chapter 3.2 (page 11) of the Guidelines.

10.7 The procedure for dealing with the employee - Action to be taken by Chairperson

10.7.1 When a Chairperson of a Board of Management becomes aware of an allegation of abuse against a school employee, the Chairperson should proceed in accordance with the procedures outlined in Chapter 4, sections 4.3 and 4.4 of the *Child Protection* Guidelines.

10.7.2 The following is a summary of these procedures:

i) The employee should be privately informed that an allegation has been made against him/her, and the nature of the allegation.

ii) The employee should be given a copy of the written allegation.

- iii) The employee should be requested to respond to the allegation in writing to the Board of Management.
- iv) The Chairperson of the Board of Management should as a matter of urgency take any necessary protective measures, to ensure that no child is exposed to unnecessary risk.
- v) If, in the Chairperson's opinion, the nature of the allegation warrants immediate action, the Chairperson, on behalf of the Board of Management, should direct that the employee absent him/herself from the school with immediate effect.
- vi) Any absence by a school employee would be regarded as administrative leave of absence with pay and not a suspension.
- vii) Whether or not the employee is absent from the school on administrative leave, it is necessary for the Chairperson to inform the Board of Management immediately of the matter.
- viii) Members of the Board of Management should be reminded of their serious responsibilities to maintain strict confidentiality about all matters relating to the issue.
- ix) The Board should convey a meeting to consider in detail the allegations which have been made against the school employee and the source of those allegations, the advice of the health boards and/or An Garda Síochána in relation to the allegation and the written response of the employee to the allegations.
- x) At this meeting the person/agency who is alleging abuse by the school employee should be offered an opportunity to present his/her case to the Board. Likewise the employee should be afforded an opportunity to make a presentation of his/her case to the Board.
- xi) the Board should then make a decision on the action, if any, it considers necessary to take in respect of the employee.

10.8 Feedback from Health Boards

It is clearly stated in the *Children First* Guidelines that efforts should be made to investigate complaints against employees promptly bearing in mind the serious implications for an innocent employee. Employers should always be notified of the outcome of investigations. It is the responsibility of the Chairperson of the Board of Management to maintain close contact with the health boards to ensure that the health boards act promptly in cases of alleged abuse involving school employees.

11. The Status of the Child Protection Policy

11.1 This Child Protection Policy was discussed and drafted by the teaching staff during a School Development Planning Day on 10 February 2006.

11.2 This policy has been approved by the Board of Management on behalf of the school community.

11.3 The Board of Management will review this policy regularly, and will amend it when necessary.

11.4 The teaching staff will present any amendments deemed necessary to the policy in the future, to the Board of Management for approval.

12. Publication of the Child Protection Policy

12.1 A copy of this policy will be given to every member of the Board of Management, and every new member will be given a copy when they join the Board.

12.2 Every teacher and member of the ancillary staff will receive a copy of this policy. It will be ensured that new staff members receive a copy as soon as they start to work in the school.

12.3 This Policy will be read and the responsibilities of staff in relation to Child Protection will be discussed, at one Staff Meeting, at least, every year.

12.4 The Board of Management asks everybody involved in the school to co-operate in the implementation of this policy.

Date: February 2006