

## **S.N. Chaoimhín Naofa Child Protection Policy**

This document is formulated in response to recent changes in Guidance and Procedures in relation to Child Protection matters and takes accounts of the provisions of each of the following important pieces of legislation:

- The Children First Act, 2015
- The Child Care Act, 1991
- Protection for Persons Reporting Child Abuse Act, 1998
- Criminal Justice Act, 2006 – Reckless Endangerment
- Criminal Law (Sexual Offences) Act, 2017
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012
- National Vetting Persons (Children and Vulnerable Persons) Act, 2012 to 2016
- Freedom of Information Acts, 1997, 2003 & 2014
- Data Protection Acts, 1998 and 2003

The new procedures are based on The Children First Act, 2015 and the DES Child Protection Procedures for Primary and Post-Primary Schools, 2017.

### **References:**

- 'Children First: National Guidelines for the Protection of and Welfare of Children', 2017
- 'Child Protection Procedures for Primary and Post Primary Schools (Department of Education and Skills) 2017.

Both resources are in the Principal's Office.

The Board of Management (BoM) recognises that child protection and welfare considerations permeate all aspects of school life and must be reflected in each school policy, school practices and activities. In accordance with the requirements of the Department of Education and Skills, Child Protection Procedures for Primary and Post-Primary Schools, the BoM of S.N. Chaoimhín Naofa has approved this Child Protection Policy.

The BoM has adopted and will fully implement without modifications the Department of Education and Skills Child Protection Procedures for Primary and Post-Primary Schools, 2017. These procedures therefore underpin the content of this policy.

The following key personnel have been identified and ratified by the BOM:

- The **Designated Liaison Person (DLP)** is **Amanda Rowland** (Principal).
- The **Deputy Designated Liaison Person (DDLp)** is **Ann Marie Byrne** (Acting Deputy Principal).

In its policies, practices and activities, S.N. Chaoimhín Naofa will adhere to the following principles of best practice in Child Protection and Welfare. Our school recognises that the protection and welfare of children is of paramount importance, regardless of all other considerations and will therefore:

- Fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters

- Adopt safe practices to minimise the possibility of harm or accidents happening to children and protect workers from the necessity to take unnecessary risks that may leave themselves open to accusations of abuse or neglect
- Develop a practice of openness with parents and encourage parental involvement in the education of their children
- Fully respect confidentiality requirements in dealing with child protection matters
- Adhere to the above principles in relation to any adult pupil with a special vulnerability.

Specific policies named hereunder are key elements of this overall document and must be referred to in the context of this policy:

- Attendance
- Enrolment
- Code of Behaviour
- Bullying
- Health and Safety
- Record Keeping
- ICT
- Supervision
- Special Ed
- Induction of Staff
- Tours/Trips
- Critical Incidents

This policy will also be considered with reference to the participation by pupils in sporting activities, other extra-curricular activities and school outings. Other practices and activities, where child protection might have particular relevance, will consider the procedures outlined within this policy. The Board has ensured that the necessary policies, protocols or practices as appropriate are in place in respect of each of the above listed items.

This policy is available to all school personnel and the Parents' Association and is readily accessible to parents on request. It is also available in hard copy in each classroom. A copy of this policy is available for the attention of the DES and the patron if requested.

### **Designated Liaison Person (DLP)**

In S.N. Chaoimhín Naofa, the Principal, appointed by the BoM is the DLP. Ann Marie Byrne acts as the Deputy DLP. Both teachers will undertake training from the Child Abuse Prevention Programme (CAPP) at the earliest opportunity. **CAPP** provides training to the whole school community (staff, parents and Boards of Management) on the Stay Safe programme.

The role of the DLP is to act as the resource person to any member of school personnel who has a child protection concern. The DLP should be knowledgeable about child protection and should be provided with any training considered necessary to fulfil this role. However, in cases where there are concerns about a child and the DLP is not sure whether to report the matter to TUSLA or whether a report should be submitted as a mandated report the DLP shall seek advice from TUSLA as outlined in Chapter 5 of the DES Procedures (DES Procedures 3.5.5).

The DLP has specific responsibility for Child Protection Procedures and is the designated liaison person for the school in dealing with TUSLA, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse and neglect. Those other parties will be advised by the DLP that they shall conduct all matters pertaining to the processing or assessment/investigation of alleged child abuse through the DLP. Where the matter concerns a member of the school personnel, such matters shall be conducted through the employer (DES Procedures 3.5.10).

The Child Protection Procedures also require that the DLP shall be appointed as the "relevant person" under section 11 of the 'Children First Act, 2015' for the purposes of being the first point of contact in respect of the school's Child Safeguarding Statement (DES Procedures 3.5.8).

### **Principal's Child Protection Oversight Report**

At each BoM meeting, the principal's report includes a Child Protection Oversight Report containing information relating to:

- Allegations of abuse made against members of school personnel
- Other child protection concerns in respect of pupils in the school (i.e. those that do not involve any allegation of abuse against a member of school personnel)
- Child protection concerns arising from alleged bullying behaviour amongst pupils
- Summary data in respect of reporting (DES Procedures 3.6).

### **Statutory Obligations on Registered Teachers – 'Mandated Persons'**

Under 'The Children First Act, 2015' a statutory obligation has been placed on specific people to report child protection concerns that are at or above a threshold of harm (defined in that Act). These are referred to as 'mandated persons' under the Act. All teachers who are registered with the Teaching Council are mandated persons under the Children First Act (DES Procedures 4.1.1). The specific responsibilities of mandated persons are outlined in Section 4.2 of the DES Child Protection Guidelines for Primary and Post-Primary Schools, 2017.

Every registered teacher, as a mandated person, now has a statutory obligation to make his or her own mandated report to TUSLA where the concerns about the child is at or above a threshold of harm as defined in the Act. Therefore, in addition to reporting their own concern to the DLP, a registered teacher must also consider whether or not the concern is at or above the defined threshold of harm at which the registered teacher has his or own statutory obligation under the 'Children First Act, 2015' to submit a mandated report to TUSLA (DES Procedures 4.2.1).

### **Confidentiality**

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 giving of information to those who need to have that information is not a breach of confidentiality. This procedure exists for the protection of a child who may have been or has been abused. The DLP who is submitting a report to TUSLA or An Garda Síochána should inform a parent/guardian, unless doing so is likely to endanger the child or place that child at

further risk. A decision not to inform a parent/guardian should be recorded on the relevant template, together with the reasons for not doing so.

In emergency situations, where TUSLA cannot be contacted and the child appears to be at immediate and serious risk, An Garda Síochána should be contacted. A child should not be left in a dangerous situation where TUSLA intervention is not forthcoming. (DES Procedures 1.3.11)

### **Protection for Persons Reporting Child Abuse**

The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability to any person who reports a child protection concern 'reasonably and in good faith' to designated officers of TUSLA or of the HSE or any member of An Garda Síochána. This legislation has not altered the situation in relation to common law qualified privilege (DES Procedures 1.3.10).

### **Qualified Privilege**

People making a report to the DLP in good faith have 'qualified privilege' under common law. Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, in loco parentis, would be expected to act in the child's best interests and in making the report would be regarded as acting in such a manner. Privilege can be displaced only where it can be established that the person making the report acted maliciously (DES Procedures 1.3.10).

### **Reasonable grounds for concern**

The Children First National Guidance 2017 requires that TUSLA should always be informed where a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for a person to prove that abuse has occurred to report a concern to TUSLA. All that is required is that a person has reasonable grounds for concern (DES Procedures 2.2).

### **Definition and Recognition of Child Abuse**

The four main types of abuse referenced in 'Children First' are:

- Neglect
- Emotional abuse
- Physical abuse
- Sexual abuse

Each of these are defined in 'Children First National Guidelines, 2017'.

- **Neglect** occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision and safety. Emotional neglect may also lead to the child having difficulties of attachment (DES Procedures 2.3.1).
- **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 (DES Procedures 2.3.2)

- **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 (DES Procedures 2.3.3).
- **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. 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 (DES Procedures 2.3.4)

### **Recognition of Possible Signs of Abuse**

The Children First National Guidance, 2017 requires that TUSLA should always be informed where a person has reasonable grounds for concerns that a child may have been, is being, or is at risk of being abused or neglected. Children First National Guidance 2017 states that the guiding principles in regard to reporting child abuse or neglect to TUSLA may be summarised as follows:

- (a) The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made, and;
- (b) Where there are reasonable grounds for concern, reports should be made without delay to Tusla. (DES Procedures 3.2.3)

### **Handling disclosures from children**

Section 3.3 of 'The Child Protection Guidelines for Primary and Post-Primary Schools, 2017' gives comprehensive details of how disclosures should be handled. Staff are advised to deal with each situation sensitively, reassure the child but not to make promises that cannot be fulfilled.

The adult should not ask leading questions or express any opinions about the alleged abuser. The adult should check back with the child that what they have heard is correct and understood. They should explain the procedures that will follow. The discussion should then be recorded accurately, in as much detail as possible. (DES Procedures 3.4.1).

The record should include reference to what was observed with sketches of physical injury, where necessary. It should also record when the alleged incident took place. Records should be kept in a secure place. The information should then be conveyed to the school's DLP. The DLP records all concerns or allegations of child abuse brought to their attention, and the actions taken following receipt of a concern or allegation of child abuse (DES Procedures 3.4.3).

To allow for effective recording and tracking of relevant records and actions, all child protection case files and any parties referenced in such files shall be assigned a unique code or serial number by the DLP. In this context "parties" means any party

whose identity, if disclosed, might lead to the identification of a child or a person against whom an allegation has been made (DES Procedures 3.4.6).

### **Allegations or suspicions in relation to School Employees (DES Procedures 5.6)**

The Chairperson and the DLP are concerned with the protection of the children in their care in the first instance. However, employees must be protected against false and malicious claims. Due process must be observed in relation to allegations against employees. Legal advice should be sought by the BOM regarding an allegation in relation to an employee.

The two procedures to be followed are:

- (a) The reporting procedure in respect of an 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 (DLP) is responsible for reporting the matter to TUSLA while the employer (BoM) is responsible for addressing employment issues. However, where the allegation/suspicion relates to the DLP, the employer shall assume responsibility for seeking advice from and/or reporting the matter to TUSLA, as appropriate (DES Procedures 7.1.3).

### **Reporting**

When an allegation of abuse is made against a school employee, the primary goal is to protect the children within the school. The DLP will act in accordance with the procedures outlined in Children First and the procedures outlined in chapter 5 of the DES Child Protection Guidelines for Primary and Post-Primary Schools, 2017.

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 is made by an adult, a written statement should be sought from this person. The ability of TUSLA or the employer to assess suspicions or allegations will depend on the amount and quality of information conveyed to them (DES Procedures 7.3.2).

Whether or not the matter is being reported to TUSLA, the DLP will always inform the employer of an allegation of abuse against a school employee (DES Procedures 7.3.6).

School employees, other than the DLP, who receive allegations against another school employee, will immediately report the matter to the DLP. School employees who form suspicions regarding conduct of another school employee will consult with the DLP.

It is essential at all times that 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 Child Protection Procedures, 2017. The employee should be privately informed by the Chairperson (Employer) that:

- 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 TUSLA (either by the DLP, employer, or otherwise). (DES Procedures 7.4.2)

The employee shall be given a copy of the written record and/or allegation, and any other relevant documentation, while ensuring the appropriate measures are in place to protect the child. Once the matter has been reported to TUSLA, the employee shall be offered the opportunity to respond to the allegation in writing to the BoM within a specified period of time. The employee shall be told that his or her response to the employer would also have to be passed to TUSLA. The employee may opt not to respond at this juncture (DES Procedures 7.4.3 – 7.4.4).

The Chairperson must take the necessary steps to protect the child and may consult the BoM in this matter. The BoM may direct that the employee take administrative leave with pay and avoid suspension, thus removing any implication of guilt. The DES should be immediately informed.

### **School Measures taken to Protect the Children in our Care**

There are a number of areas in our school where common sense should prevail in order to protect the children in the school and the staff who care for them. In relation to this, certain points should be noted:

1. S.N. Chaoimhín Naofa shall fully implement the Stay Safe Programme
  2. A copy of the school's child protection policy, which includes the names of the Designated Liaison Person (DLP) and Deputy DLP, will be made available to all school personnel and the Parents' Association, and is readily available to parents on request.
  3. The name of the DLP, DDLP and other relevant support services are displayed in a prominent position near the main entrance of the school.
  4. In addition to informing the school authority of those cases where a report involving a child in the school has been submitted to TUSLA, the DLP shall also inform the school authority of cases where the DLP sought advice from TUSLA and as a result of this advice, no report was made. At each BoM meeting, the Principal's report shall include the Child Protection Oversight Report, documenting the number of all such cases. This shall be recorded in the minutes of the BoM meeting.
  5. S.N. Chaoimhín Naofa will undertake an annual review of its Child Protection Policy and its implementation by the school. A checklist is used in undertaking the review. The school has put in place an action plan to address any areas for improvement which might be identified in the annual review. The Board of Management shall make arrangements to inform school personnel that the review has been undertaken. Written notification that the review has been undertaken shall be provided to the Parents' Association. A record of the review and its outcome shall be made available, if requested, to the patron and the DES.
- Staff who take classes swimming should make sure that there are two adults in attendance at all times. The dressing rooms and pool area should be well supervised.
  - Staff should make every effort not to be alone in a classroom with one child or detain a child on their own after school. In the case of pupils with special educational needs where SET teaching time or SNA assistance is carried out

on an individual basis, it is school policy that staff in such a situation should work in a room with a window in the door or leave the door open, thus rendering the occupants visible at all times.

- When possible, children should work in groups.
- Children with physical disabilities who may require assistance in toileting will be aided by a Special Needs Assistant who has met the necessary screening requirements when being employed by the school.

It should be noted that children with disabilities may be more at risk of abuse due to a number of reasons (DES Procedures 2.3.5). Parents, teachers and all staff involved in services for children with disabilities need to be familiar with indicators of abuse and to be alert for signs of abuse.

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| Policy Ratified by Board of Management: | 16 <sup>th</sup> January 2020 |
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