

Child Protection Policy

Introduction

This document has been drawn up to give direction and guidance to school management and personnel in dealing with allegations/suspicions of child abuse and as a response to changes in legislation over a number of years. The staff considered the document during the planning day in June 2009. The Board of Management and Parents Council were invited to give their input in November 2009. The Policy was updated at a staff meeting in January 2012 and approved in March 2012 by the Board of Management. In the interests of the welfare and protection of children, the '*Children First National Guidance for the Protection and Welfare of Children*' and '*Child Protection Procedures for Primary and Post- Primary Schools* must be followed at all times in dealing with allegations or suspicions of child abuse. They replace previous guidelines issued in 2001 and 2004 respectively and take account of the provisions of the following pieces of legislation.

- **The Child Care Act 1991**
- **Domestic Violence Act 1996**
- **Freedom of Information Act 1997 & 2003**
- **The Education Act 1998**
- **The Data Protection Act 1998 & 2003**
- **Protection for Persons Reporting Child Abuse Act 1998**
- **The Child Welfare Act 2000**
- **Criminal Justice Act 2006**

The school has adopted and will implement fully and without modification the *Child Protection Procedures for Primary and Post Primary Schools*, DES, 2011 in their entirety and wishes to detail in this policy the procedures that will be followed in relation to child protection.

The policy is informed by our Vision and the Aims for our school which are as follows:

Vision for Scoil Mhuire Soisearach.

That the board of management, staff and parents working as a team provide support and education to all children of every class, creed or abilities. That every aspect of each child's intellectual, emotional, spiritual and social needs be nurtured and encouraged to develop to its utmost potential, in his or her own time, in a happy safe environment.

Aims of Scoil Mhuire Soisearach.

We the board of management, staff and parents, aim

- To recognise and foster the social intellectual, emotional and spiritual potential of each child who attends the school.
- To make Scoil Mhuire a place where children feel safe, secure empowered and aware of their own environment.
- To provide an environment which is happy and fulfilling for children and staff.
- To nurture the potential of each child to become a fully developed individual
- To foster a school ethos which is catholic and which develops an awareness and respect for other denominations and beliefs.

References

In all instances of suspicion or allegations of abuse or neglect, the following two resource books will be referenced.

"Children First" National Guidance for the Protection and Welfare of Children - Department of Children and Youth Affairs 2011

"Child Protection Procedures for Primary and Post Primary Schools" - Department of Education & Science 2011

Designated Liaison Person (DLP)

The Principal Bryan O' Reilly will act as DLP. following ratification by the Board of Management. Should circumstances warrant it, the Deputy Principal Eileen Hill shall act as deputy DLP. The DLP has specific responsibility for child protection and will represent the school in all dealings with Health Boards, An Garda Síochána and other parties in connection with allegations of abuse. All matters pertaining to the processing or investigation of child abuse will be processed through the DLP. The DLP will be named at the first Board of Management each year. Their name must be displayed in a prominent position near the main entrance of the school The role will be reviewed by each new Board of Management every four years. Further information on the responsibilities of the DLP is included in "Child Protection Procedures") – Chapter 3 Pg 18 - Section 3.2. Action to be taken by the DLP in cases where there are reasonable grounds for suspicion or where an allegation has been made is in

Confidentiality

All information regarding concerns of possible child abuse will 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.

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.

When handling disclosures from children confidentiality should not be assured. "No undertakings regarding secrecy can be given" **"Children First"** pg. 16 3.9.3

The DLP who is submitting a report to the Health Board or An Garda Síochána will 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 will be briefly recorded together with the reasons for not doing so.

In emergency situations, where the Health Board cannot be contacted, and the child appears to be at immediate and serious risk, An Garda Síochána will be contacted immediately. A child will not be left in a dangerous situation pending Health Board intervention.

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 child abuse 'reasonably and in good faith' to designated officers of Health Boards or any member of An Garda Síochána.

This means that even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith making the report.

The act provides significant protection for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal. (Child Protection Procedures DES page 10 1.10.)

Qualified Privilege

While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. The Health Boards and An Garda Síochána), Common Law qualified privilege continues to apply as heretofore. Consequently, should a Board of Management member or school personnel furnish information with regard to suspicions of child abuse to the DLP or the Board of Management Chairman, such communication would be regarded under common law as having qualified privilege. A further definition of qualified privilege is outlined in Section 1.11, page 11 of Child Protection Procedures.

Freedom of Information Act 1997 & 2003

Reports made to Health Boards may be subject to 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 act also provides that public bodies may refuse access to information obtained by them in confidence.

Role of the Board of Management

- To arrange for the planning, development and implementation of an effective child protection programme.
- To monitor and evaluate its effectiveness.
- To provide appropriate staff development and training

Specifically they will:

- Appoint a DLP and deputy DLP.
- Have clear procedures for dealing with allegations or suspicions of child abuse (See below)
- Monitor the progress of children at risk.
- Ensure that curricular provision (Stay Safe Programme) is in place for the prevention of child abuse.
- Investigate and respond to allegations of child abuse against one of the school's employees which have been reported to the Health Service Executive (HSE) or Gardaí.
- To decide on teachers' attendance at child protection meetings/case conferences and to advise teachers before attending such meetings/conferences.
- To undertake at regular intervals a review of its Child Protection Policy using agreed checklist. Page 39 – 40 Appendix 2 "Child Protection Procedures" and to inform school personnel that the review has been undertaken

Definition and Recognition of Child Abuse

Child abuse can be categorised into four different types.

- neglect
- emotional abuse
- physical abuse
- sexual abuse

A child may be subjected to more than one form of abuse at any given time. Definitions and recognition for each form of abuse are detailed in 'Children First' - (Dept of Children and Youth Affairs) Part 2 Sections 2.1 - 2.6 pgs 8 to 10 and 'Child Protection Procedures' Chapter 2 pgs. 13 - 16

Signs and Symptoms of Child Abuse

A list of child abuse indicators is contained in Appendix 1 'Children First' - Pgs 70 -74 - 131. It is important to stress that, no one indicator should be seen as conclusive in itself of abuse; it may indicate conditions other than child abuse. All signs and symptoms must be examined in the total context of the child's situation and family circumstances.

There are commonly **three stages in the identification** of child abuse.

These are: -

1. Considering the possibility
2. Looking out for signs of abuse
3. Recording of information

Dealing with Disclosures From Children

'Child Protection Procedures' - Pg 20 Section 3.5 gives comprehensive details of how disclosures should be approached.

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/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.

Any Professional who suspects child abuse should inform parents/carers if a report is to be submitted to the Health Board or An Garda Síochána unless doing so is likely to endanger the child.

In cases of emergency, where a child appears to be at immediate and serious risk, and a duty social worker are unavailable, Garda Síochána should be contacted. Under no circumstances should a child be left in a dangerous situation pending Health Board intervention.

The following advice is offered to school personnel to whom a child makes a disclosure of abuse.

- Listen to the child
- Take all disclosures seriously
- Do not ask leading questions or 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 passed onto the DLP and all records should be retained by DLP in a secure location
- If the reporting person or member of the school staff and the DLP are satisfied that there are reasonable grounds for the suspicion/allegation, the DLP will immediately inform the chairperson. Not until they have informed HSE Read pg. 23 4.2.1 2nd paragraph
- S/He will seek a written statement of the allegation from the person/agency making the allegation. Parents/Guardians may make a statement on behalf of a child.
- The DLP will seek advice from the relevant HSE and will take responsibility for reporting, based on this advice.
- If the DLP, following consultation with the HSE, decides that this matter is not for reporting, s/he must inform the Chairperson. They must then inform, in writing, the person or agency making the allegation, of the reasons for this decision. If this person or agency still has concerns, they are free to consult with or report to the relevant HSE or Gardaí on an individual basis. The provisions of the Protection for Persons reporting Child Abuse Act 1998 apply, once they report reasonably and in good faith.
- If the DLP, following consultation with the HSE, decides that this matter is for reporting s/he should inform the Chairperson, who should proceed in accordance with the procedures in the Child Protection Procedures, DES, 2011.
- The DLP/Deputy DLP completes a standard reporting form as comprehensively as is possible and forwards same as soon as possible thereafter. Appendix 4 pg 49

In addition to informing the school authority of those cases where a report involving a child in the school has been submitted to the HSE, The DLP shall also inform the school authority of cases where the DLP sought advice from the HSE and as a result of this advice, no report was made. At each BOM meeting the principal's report shall include the number of all such cases and this shall be recorded in the minutes of the board meeting.

Allegations or Suspicions Re: School Employees

The most important consideration for the Chairperson, Board of Management or the DLP is the safety and protection of the child. However Employees also have a right to protection against claims, which are false or malicious.

Responding

- When the Chairperson becomes aware of an allegation of abuse s/he will always seek legal advice and base his/her response on this advice.

There are two procedures to be followed (Chapter 5 Section 5.1 Page 30 'Child Protection Procedures')

1. The Reporting Procedure
2. The Procedure for dealing with the Employee.

The DLP has responsibility for reporting the matter to the Health Board. The Chairperson of the Board of Management has responsibility, acting in consultation with his/her board, for addressing the employment issues.

If the allegation is against the DLP, the Board of Management Chairperson will assume the responsibility for reporting the matter to the Health Board.

Reporting Procedure

When an allegation of abuse is made against a school employee, the DLP should immediately act in accordance with the procedures outlined in, Section 4.2, Pg 31 - Child Protection Procedures.

A written statement of the allegation should be sought from the person/agency making the report. The DLP should always inform the Chairperson of the Board of Management.

School employees, other than the DLP who receive allegations against another school employee, should immediately report the matter to the DLP. School employees who form suspicions regarding conduct of another school employee should consult with the DLP. The procedures outlined in 4.2–pg. 32 of 'Child Protection ' will then be followed.

The Chairperson and DLP should make the employee aware privately

1. An allegation has been made against him/her
2. The nature of the allegation
3. Whether or not the Health Board or Gardaí has been/will be/must be/should be informed.

The employee should be given a copy of the written allegation and any other relevant documentation. The employee should be requested to respond to the allegation in writing to the Board of Management within a specified period and told that this may be passed to the Gardaí, Health Board, and legal advisers.

The priority in all cases is that no child be exposed to unnecessary risk. Therefore, as a matter of urgency, the Chairperson should take any necessary protective measures. These measure should be

proportionate to the level of risk and should not unreasonably penalize the employee in any way unless to protect the child.

If the nature of the allegations warrants immediate action in the Chairperson's opinion, the Board of Management should be convened to consider the matter. This may result in the Board of Management directing that the employee absent him/herself from the school forthwith while the matter is being investigated (administrative leave).

When the Board of Management is unsure as to whether this should occur, advice should be sought from the Gardaí and/or the Child Care Manager of the Health Board and the legal advisers to the Board of Management and regard be had to this advice.

Administrative Leave

Should the Board of Management direct that the employee absent him/herself as above, such absence of the employee would be regarded as administrative leave of absence with pay and not suspension and would not imply any degree of guilt? The DES should be immediately informed. (Child Protection Procedures - Pg 31 5.2). See appendix 6 Protocol authorizing immediate action pg. 58

The following are a list of **Policies** approved by staff of Scoil Mhuire JNS that are particularly relevant to Child Protection

Code of Behaviour

Pupil attendance

Supervision of Pupils

Curricular Provision: Prevention:

The R.S.E programme is the primary resource used in this school to provide education for children on abuse prevention. The programme is taught as part of the school's Social, Personal and Health Education (SPHE) curriculum under the strand unit Safety and protection.

On enrolment of their child parents will be informed that the Stay Safe Programme is in use in the school and a copy of the 'Stay Safe: A parent's Guide' provided.

The formal lessons of the programme will be taught in their entirety every second year in accordance with the SPHE two-year cycle plan.

Staff will make every effort to ensure that the messages of the programme are reinforced whenever possible.

Best Practices in Child Protection is about school's identifying areas of practice that need to be addressed to ensure that children and staff are protected

Toileting/Intimate Care

Normally a child with specific toileting needs will have a special needs assistant assigned to him/her. Before the child is enrolled in the school, a meeting should be held at which all school personnel involved with the child attend along with the child's parents/guardians. At that meeting the needs of the child should be addressed and agreement reached as to how the school can meet those needs. It is important that those involved with the intimate care of the child agree practices which are acceptable to the staff, the child and the parents. Practices agreed should be sufficiently flexible to cover unforeseen situations, e.g. if personnel involved in assisting the child are absent. At all stages the child should be encouraged to be as independent as possible.

Changing for Swimming

Children should wear suitable clothing for swimming, which they can change into easily. Parents will

be notified that volunteers are assisting children.

Staff should avoid assisting children with anything of a personal nature that the child can do for him/herself.

It is good practice to have at least two adults present while children are changing for swimming.

A report of an incident should be made to the principal, parents and Board of Management, as appropriate.

Toileting Accidents

If a child has an accident at school parents may not be in a position to come to the school immediately. A stock of underwear and tracksuit pants is kept in the 'art cupboard' for such emergencies. It is prudent to allow the child to change into dry clothes on his/her own, while the adult bags the soiled clothes. A note will be kept of such incidences, and parents informed. Parents are asked to wash and return the change of clothes a.s.a.p.

One to One Teaching

One to one teaching may be provided where it is deemed appropriate. In this case every effort should be made to ensure the protection of children and staff. It is crucial that clear boundaries are put in place regarding physical environment (glass panel in door, seating arrangements, timetabling). If a child needs one to one teaching parents will be advised of arrangements in place.

Name of DLP: Bryan O' Reilly

Name of DDLP: Eileen Hill

Board of Management

The Chairperson should inform the Board of Management of all the details and remind the members of their serious responsibility to maintain strict confidentiality on all matters relating to the issue and the principles of due process and natural justice.

There is an onus on health boards to provide feedback to the Board of Management in regard to the progress of a child abuse investigation regarding an employee. The BOM should always be notified of the outcome of investigations involving an employee.

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.

*This policy was approved by the Board of Management of Scoil Mhuire Soisearach. on 13 /March/
2012*

Appendix A

Scoil Mhuire Soisearach

Dear Parents/Guardians,

In recent years, as a society, we have become very aware of the problem of child abuse through neglect, emotional, physical or sexual abuse.

Each one of us has a duty to protect children and *Children First, the National Guidance 2011 for the Protection and Welfare of Children* noted that teachers, who are the main care givers to children outside the family, are particularly well placed to observe and monitor children for signs of abuse.

In response to this, the Department of Education and Science published Child Protection Procedures for all schools in relation to child protection and welfare. These procedures promote the safety and welfare of all children and are to be welcomed.

The Board of Management of *Scoil Mhuire Junior Primary National School* has adopted these guidelines as school policy. Consequently, if school staff suspect or are alerted to possible child abuse they are obliged to refer this matter to the Health Service Executive (HSE). The Board has appointed the Principal Mr Bryan O' Reilly as the Designated Liaison Person (DLP) to report matters of this nature to the HSE. If the Principal is unavailable for whatever reason, this responsibility will be taken on by the Deputy Principal, Ms. Eileen Hill. The HSE will then assess the situation and provide support for the child concerned.

Children First, National Guidance for the Protection and Welfare of Children may be accessed on the website of the Department of Health and Children (www.dohc.ie) and the Department of Education and Science Child Protection Guidelines can be read on the Department's website (www.education.ie).

Parents/Guardians are also welcome to look through the guidelines here at the school.

Yours sincerely, Eileen Hall Chairperson Board of Management.