

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. In the interests of the welfare and protection of children, these guidelines must be followed at all times in dealing with allegations or suspicions of child abuse. These guidelines replace the 1991 guidelines that were issued to all primary schools 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**
- **The Education Act 1998**
- **The Data Protection Act 1998**
- **Protection for Persons Reporting Child Abuse Act 1998**
- **The Child Welfare Act 2000**

References

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

"Children First" - Department of Health & Children 1999

"Child Protection" - Department of Education & Science 2001

Designated Liaison Person (DLP)

The Principal will act as DLP. following ratification by the Board of Management. Should circumstances warrant it, the Deputy Principal shall act as 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. Further information on the responsibilities of the DLP is included in "Child Protection" (Guidelines and Procedures) - Pg 8 - Section 2.2. 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 "Child Protection" Chapter 3 - Section 3.2 pg 11 - 12.

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.

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 Book DES page 6.)

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 1.4.2 and 1.4.3, page 6 of Child Protection - Guidelines & Procedures.

Freedom of Information Act 1997

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.

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 for each form of abuse are detailed in 'Children First' - (Dept of Health & Children)) Chapter 3 Sections 3.2 - 3.5 pgs 31 - 33.

Guidelines for Recognition of Child Abuse

A list of child abuse indicators is contained in Appendix 1 'Children First' - Pg 125 - 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

Each of these stages is developed in 'Children First' Pg 34 - 35 Section 3.9.

Handling Disclosures From Children

'Child Protection' - Pg 9 Section 2.4 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.

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.

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 procedures for reporting as laid out in 'Children First' - Section 4.4 pg 38 will be adhered to. Standardised reporting forms may be photocopied from 'Children First' Appendix 8 - Pg 159.

The Chairman of the Board of Management will be informed before the DLP makes contact with the relevant authorities unless the situation demands that more immediate action to be taken for the safety of the child in which case the Chairman may be informed after the report has been submitted. Details of what should be included in the report are outlined in 'Children First' - Section 4.5.1 - Pg 39.

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 is unavailable, Garda Síochána should be contacted. Under no circumstances should a child be left in a dangerous situation pending Health Board intervention.

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.

As employers, the Board of Management should always seek legal advice as the circumstances can vary from one case to another.

There are two procedures to be followed (Section 4.1.3 Page 15 'Child Protection')

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

When an allegation of abuse is made against a school employee, the DLP should immediately act in accordance with the procedures outlined in

Ch 3, Section 3.2, Pg 11 - Child Protection.

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 Section 4.2.3, pg16 - '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 penalise the employee in any way unless to protect the child.

If the nature of the allegations warrant 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. (Children First - Pg 17).

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.

Appendix A

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 Guidelines 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 Guidelines and Procedures for all schools in relation to child protection and welfare. These guidelines promote the safety and welfare of all children and are to be welcomed.

The Board of Management of Ballynacally N.S. 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 Lynch 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, Mrs Garry. The HSE will then assess the situation and provide support for the child concerned.

Children First, the National Guidelines 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,
Conor Lynch Principal
Mrs. Mary King Chairperson B.O. M.