



**Clocha Rince NS**

# **Child Protection** **Policy**

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## **Clocha Rince NS**

The Board of Management recognises that child protection and welfare considerations permeate all aspects of school life and must be reflected in all of the school's policies, practices and activities. Accordingly, in accordance with the requirements of the Department of Education and Skills' Child Protection Procedures for Primary and Post Primary Schools, the Board of Management of Clocha Rince NS has agreed the following child protection policy:

1. The Board of Management has adopted and will implement fully and without modification the Department's Child Protection Procedures for Primary and Post Primary Schools as part of this overall child protection policy.
2. The Designated Liaison Person (DLP) is **Colm Byrne**
3. The Deputy Designated Liaison Person (Deputy DLP) is **Marissa Mc Carthy**
4. In its policies, practices and activities, Clocha Rince NS will adhere to the following principles of best practice in child protection and welfare:

The school will

- recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations;
  - 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; and
  - fully respect confidentiality requirements in dealing with child protection matters.
5. School policies, practices and activities that are particularly relevant to child protection include;
    - Code of Behaviour & Discipline & Anti-bullying Policy
    - Pupil Attendance Policy
    - Supervision of Pupils Policy
    - Sporting Activities/School Outings Policy
    - Work Placements Policy
    - Health & Safety policy
    - SPHE Policy
    - Health & Safety Policy
    - Access to the School Policy
    - Substance Use Policy
    - Fire Safety Policy
    - Acceptable Use of the Internet Policy
    - Relationships and Sexuality Education policy ( specifically Stay Safe Programme/Walk Tall programme)

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.

6. This policy has been made available to school personnel and the Parents' Association and is readily accessible to parents on request. A copy of this policy will be made available to the Department and the patron if requested.
7. This policy will be reviewed by the Board of Management once in every school year.

This policy was adopted by the Board of Management on \_\_\_\_\_ [date]  
Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
Chairperson of Board of Management Principal  
Date: \_\_\_\_\_ Date: \_\_\_\_\_  
Date of next review: \_\_\_\_\_

## **Addendum to Child Protection Policy**

### **Introduction**

This policy was developed by the school staff in October 2011. The policy was ratified by the Board of Management on Wednesday 9<sup>th</sup> November 2011.

### **Rationale**

This document has been drawn up as a response to recent changes in legislation. It further develops previous policy in this area and takes account of the provisions of the following pieces of legislation.

The Education Act 1998

The Child Welfare Act 2000

The issue of Child Protection is paramount in Clocha Rince NS. This policy deals specifically with the area of abuse. However, the protection, safety and security of the pupils in Clocha Rince NS is a wider issue and catered for in other school policy documents some of which are current and others which will be developed in due course. These include;

- Health & Safety Policy
- Access to the School Policy
- Supervision Policy
- Code of Behaviour & Discipline Policy
- Substance Use Policy
- Fire Safety Policy
- Acceptable Use of the Internet Policy
- Relationships and Sexuality Education policy ( specifically Stay Safe Programme/Walk Tall programme)
- Pupil Attendance Policy
- Sporting Activities/School Outings Policy

### **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 2011

"Child Protection" – Department of Education & Skills ‘Procedures for Primary & Post-Primary Schools 2011’

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

The Principal, Colm Byrne, acts as DLP. Rosaleen Mc Cabe is Deputy DLP. The DLP has specific responsibility for child protection and will represent the school in all dealings with Health Boards, NEWB, Social Services, An Garda Síochána and other parties in connection with allegations of abuse. All matters pertaining to the processing or investigation of child abuse should be processed through the DLP. Further information on the responsibilities of the DLP is included in 'Child Protection Procedures for Primary & Post-Primary Schools' (DES Guidelines, 4.2.1 – 4.2.8)

### **Principal's Report**

At each Board meeting the Principal's report shall

- a) state the number of reports made to the HSE by the DLP, since the last BoM 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 meeting shall record the above.

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

### **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 test is whether or not the person has any legitimate involvement or role in dealing with the issue.

The provision of 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 HSE 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 together with the reasons for not doing so.

In emergency situations, where the HSE cannot be contacted, and the child appears to be at immediate and serious risk, An Garda Síochána should be contacted immediately.

A child should not be left in a dangerous situation pending HSE 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 the HSE 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.

It is a criminal offence for a person to make a report of child abuse to the appropriate authorities “knowing that statement to be false”.

### **Qualified Privilege**

**While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. The HSE 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 the ‘Child Protection – Procedures for Primary & Post-Primary Schools’ (DES 2011) 1.11 – 1.11.3

1.11.3 – “Furthermore those reporting a child’s disclosure or concerns about a child’s behaviour or welfare are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing a charge.”

### **Freedom of Information Act 1997 & 2003**

Reports made to the HSE may be subject to provisions of the Freedom of Information Acts, 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.

### **Data Protection Acts, 1998 & 2003**

These Acts protect the right of individuals with regard to personal data. They give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him/her and to have inaccurate data rectified or erased.

See Child Protection – Procedures for Primary & Post-Primary Schools’ (DES 2011) 1.13.1 – 1.13.2 for more information.

## **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 Children & Youth Affairs) Chapter 2 Sections 2.1 – 2.9 pgs 8 - 12.

### **Summary of Abuse Categories**

#### **Neglect - Definition**

- Omission – harm caused by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.
- Harm – ill-treatment or the impairment of the health or development of a child.

#### **Neglect – Recognition**

- Generally becomes apparent in different ways over a period of time rather than at one specific point.

#### **Emotional Abuse – Definition**

Emotional Abuse is normally found in the relationships between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met.

Examples include –

- Persistent criticism, sarcasm, hostility, or blaming;
- Conditional parenting;
- Emotional unavailability of parent/guardian/carer;
- Unresponsiveness of parent/guardian/carer;
- Inappropriate expectations on the child;
- Premature imposition of responsibility on the child;
- Unrealistic or inappropriate expectations of the child's capacity to understand; something or to behave or control himself/herself in a certain way;
- Under- or over-protection of a child;
- Failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development
- Use of unreasonable or over-harsh disciplinary measures;
- Exposure to domestic violence
- Exposure to inappropriate or abusive material through new technology

#### **Emotional Abuse – Recognition**

- Can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour.

### **Physical Abuse – Definition**

- That which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. Single or repeated incidents constitute physical abuse.
- It may involve:
  - Severe physical punishment;
  - Beating, slapping, hitting or kicking;
  - Pushing, shaking or throwing;
  - Pinching, biting, choking or hair-pulling;
  - Terrorising with threats;
  - Observing violence;
  - Use of excessive force in handling;
  - Deliberate poisoning;
  - Suffocation;
  - Fabricated/induced illness
  - Allowing or creating substantial risk of significant harm to a child

### **Physical Abuse – Recognition**

- Through the observance and/or manifestation of an event of physical abuse

### **Sexual Abuse - Definition**

- Occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. Examples of sexual abuse include:
  - Exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
  - Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
  - Masturbation in the presence of a child or the involvement of the child in the act of masturbation;
  - Sexual intercourse with the child, whether oral, vaginal or anal;
  - Sexual exploitation of a child
  - Consensual sexual activity involving an adult and an underage person (under 17 years of age - male and female)

### **Guidelines for Recognition of Child Abuse**

A list of child abuse indicators is contained in Appendix 1 'Children First' 2011 – Appendix 1 pg 70 - 74. 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: -

- Considering the possibility
- Looking out for signs of abuse
- Recording of information

Each of these stages is developed in 'Children First' 2011 pg 10 & 11

### **Dealing with disclosures from children**

An abused child is likely to be under severe emotional stress and a member of staff may be the only adult whom the child is prepared to trust. Great care should be taken not to damage that trust. 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.

### **Listen & facilitate the child to tell about the problem – Don't interview!**

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

- Stay calm. Don't show any extreme reaction!
- Listen to the child.
- Take all disclosures seriously.
- Do not ask any questions unless the nature of what he/she is saying is unclear.
- Do not ask leading questions or make suggestions to the child. Open, non-specific questions should be used such as "Can you explain to me what you mean by that?"
- Offer reassurance but do not make promises.
- Do not stop a child recalling significant events
- Explain that further help may have to be sought
- Record the disclosure immediately afterwards (using the child's own words) and retain the record.
- This information should then be passed onto the DLP.

### **Record Keeping**

When child abuse or neglect is suspected, it is essential to have a written record of all information available.

School personnel should note

- What they observed and when they observed it
- Signs of physical injury (described in details and, if appropriate, sketched)
- Any comment by the child (or another person) about how an injury occurred (quoting words actually used)
- Sign and date your written record
- Give to the DLP who shall retain it.

## **Reporting Concerns and Standard Reporting Procedure**

### **Responsibility to Report Child Abuse or Neglect**

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect.

The HSE Children and Family services must always be informed when a person has **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 neglect or abuse.

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the HSE Children and Family Services.

### **Guiding Principles in Regard to Making a Report**

1. The safety and well-being of the child must take priority;
2. Reports should be made without delay to the HSE Children & Family Services

**Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.**

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.

### **Reckless Endangerment of Children**

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children. 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 risk while knowing that the child is in such a situation,

is guilty of an offence.

The penalty is a fine (of no upper limit) or imprisonment for a term not exceeding 10 years.

## **Reporting of a Child Protection Concern**

1. 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.
2. If the DLP is satisfied that there are reasonable grounds for the suspicion/allegation of a child protection concern the HSE will be informed immediately, either in person, by phone or in writing.  
Clocha Rince NS will generally report child abuse concerns by first making contact with the HSE Children and Family Services.
3. All reports will include as much as possible of the information sought in the Standard Reporting Form as outlined in section 3.5 of 'Children First'.  
The Standard Reporting Form may be photocopied from 'Children First' Appendix 3 – Pg 78 & 79.
4. A record will be made of the information communicated to the parent/guardian.
5. 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. No details of the report shall be disclosed to the Board of Management unless there are issues which need to be addressed by the Board of Management.
6. Where the HSE advises that a report should not be made, the DLP shall inform the Board of Management of this fact. . No details of the report shall be disclosed to the Board of Management unless there are issues which need to be addressed by the Board of Management.
7. Any information or details that might identify a child should not be recorded in the minutes of Board of Management meetings.
8. 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.  
The member of staff will also be advised that if he/she remains concerned about the situation, he/she is free to consult with or report to the HSE (section 3.8.1 of Children First refers). He/She should use the Standard Reporting Form in Appendix 3 of these procedures.
9. 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.

## **Allegations or Suspicions Re: School Employees (including unpaid volunteers)**

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. Each school also has a duty and responsibility as an employer, in respect of its employees.

A school employee 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 shall be treated fairly which includes the right not to be judged in advance of a full and fair enquiry.

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

There are two procedures to be followed (Chapter 5 'Child Protection – Procedures for Primary & Post-Primary School' DES 2011)

- I. The Reporting Procedure
- II. The Procedure for Dealing with the Employee.

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

If the allegation or suspicion of child abuse is against the DLP and/or Deputy DLP, the Board of Management Chairperson will assume the responsibility for reporting the matter to the HSE.

If the allegation or suspicion of child abuse is against a member of the Board of Management the Board of Management will inform the patron that a report involving a member of the Board of Management has been submitted to the HSE. It is a matter for the patron to determine if any action is necessary regarding the member's continued role on the Board.

### **Reporting**

The same person will not have responsibility for dealing with the reporting issue and the employment issue.

DLP will take responsibility for reporting while the employer will take responsibility for the employment issue.

**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 of the Child Protection – Procedures for Primary & Post-Primary Schools (DES 2011) and as outlined in this appendix to the Clocha Rince NS policy.**

A written statement of the allegation should be sought from the person/agency making the report as soon as possible. If a child wishes to make a written statement, this should be allowed.

The DLP should always inform the Chairperson of the Board of Management and the Board of Management whether or not the matter is being reported to the HSE.

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 4.1 – Child Protection – Procedures for Primary & Post-Primary Schools’ (DES 2011) will be followed.

#### **Action to be taken by the employer**

- The matter should be treated with the strictest of confidence.
- The employee, the chairperson and DLP should privately make the employees aware that;
  - a) 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 the Chairperson)
- The employee should be given a copy of the written allegation and any other relevant documentation while ensuring appropriate measures are in place to protect the child.
- Once reported to the HSE, the employee shall be offered the opportunity to respond to the allegation in writing to the Board of Management within a specified period and told that this would also have to be passed to the Gardaí, HSE, and legal advisors.
- Where the employer is unsure whether the nature of the allegation warrants the absence of the employee from the school while the matter is being investigated, the employer should consult the HSE and/or 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.
- The employer shall maintain regular and close liaison with the HSE or An Garda Síochána and a decision on the position of the school employee shall be taken having due regard to the advice given to the employer by these authorities.
- 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. Where such an absence is directed, the Department of Education and Skills shall immediately be contacted with regard to
  - a) formal approval for the payment of remuneration or ex-gratia payments in lieu of remuneration as appropriate, and

- b) departmental sanction for the employment of a substitute teacher where necessary.

### **Further Follow up**

- The employer should take care to ensure that actions taken do not frustrate any assessment/investigation being conducted by the HSE or An Garda Síochána. A close liaison should be maintained at all times.
- Any further follow up will accord with established disciplinary procedures and shall only be made following consultation with the HSE and An Garda Síochána, if involved.
- After the above consultation has taken place and when dealing with the question of the future position of the employee, the employer shall advise the employee of the situation and shall follow the agreed procedures. The Department of education and Skills shall be informed of the outcome.

### **Peer Abuse and Bullying**

In some cases of child abuse the alleged perpetrator will also be a child. Peer abuse is a complex area and all staff members of Clocha Rince NS are advised to familiarise themselves in this regard and with the advice in Chapter 9 of the Children First Guidelines.

Advice is given on the following issues;

- Sexual abuse by children and young people
  - Normal Sexual Exploration
  - Abuse Reactive Behaviour
  - Sexually Obsessive Behaviour
  - Abusive Behaviour by Adolescents and Young People
- Bullying – See our school’s Code of Behaviour & Discipline and Anti-Bullying Policy.

### **Review**

This policy will be reviewed on an annual basis at the first Board of Management meeting of each academic year or earlier if the need arises.