



CHILD PROTECTION POLICY

TITLE: Presentation Primary School Policy on Child Protection

SCOPE

This policy applies to all the pupils in our care, all of our staff and all who are invited to work with our pupils from time to time.

RELATIONSHIP TO MISSION STATEMENT / ETHOS

In order to enable each child to realise his/her full potential we seek:

- To create a caring and co-operative environment where tolerance and respect are nurtured.
- To build confidence and encourage a good work ethic.
- To promote trust-worthiness.
- To develop socially well-adjusted and independent individuals.
- To recognise and meet the individual needs of each child.

Presentation schools promote the development of a community of faith inspired by Gospel values. The dignity of each pupil, staff member and parent is honoured and reflected in the school policies and structures.

RATIONALE

The school owes a clear duty of care to protect the children within the community of the school. All staff must be alert to the possibility of child abuse and alert to their obligation to report reasonable concerns or suspicions to the appropriate authorities. This document sets out the obligations of all concerned and the reporting procedures to be followed.

LEGAL FRAMEWORK

- Children First (National Guidelines for the Protection and Welfare of Children, 1999, Department of Health and Children)
- Good Practice Guidelines and Procedures (Department of Education and Science)
- Protection for Persons Reporting Child Abuse Act, 1998
- Freedom of Information Act, 1997

GOALS

To set out appropriate channels of communication and procedures that will ensure that:

- All suspicions/allegations of child abuse are reported to the appropriate authorities
- All suspicions/allegations of child abuse are handled appropriately, sensitively and effectively
- Staff are kept sufficiently informed about child abuse to ensure vigilance
- There is a clearly understood code of behaviour for staff and volunteers
- There is effective management of staff and volunteers through supervision, support and training
- There is appropriate recruitment and selection of staff and volunteers
- There is an effective child-protection policy in place and implemented

CONTENT - CHILD PROTECTION PROCEDURES

Section 1 - Overview

Definition of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional, physical, sexual. (See Appendix 1) A child may be subjected to more than one form of abuse at any given time. In some cases of abuse the alleged perpetrator will also be a child. In these situations the Child Protection Procedures should be adhered to for both the victim and the alleged abuser. If there is any conflict of interest between the welfare of the alleged abused and the victim, the victim's welfare is of paramount importance.

Designated Liaison Person (DLP)

The Board of Management will designate the Principal, or in her/his absence the Deputy Principal, as the Designated Liaison Person (DLP) for the school in all dealings with the Health Board, Garda Síochána and other parties, in connection with allegations or suspicions of child abuse.

Confidentiality

All information regarding concerns of possible child abuse will be shared on "a need to know" basis in the interests of the young person. 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 that information, for the protection of a young person who may have been, or has been abused, is not a breach of confidentiality.

Parent(s)/Guardian(s)

A Designated Liaison Person who is submitting a report to the Health Board or An An Garda Síochána should inform a parent/guardian, unless doing so is likely to endanger the child or young person or place the child or young person at further risk. A decision not to inform a parent/guardian should be briefly recorded together with the reasons for not doing so.

It is not the responsibility of the school staff to make enquiries of parents or guardians. In some cases this could be counter-productive. It is a matter for the appropriate health board to investigate suspected abuse and determine what action to take, including informing An Garda Síochána. Under no circumstances should any individual member of staff attempt to confront an alleged abuser.

Cases of emergency

Where a child appears to be in 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.

Anonymous Complaint

The Principal should consider carefully whether the allegation may have substance. The impetus for action should be the potential risk to children. If the Principal believes that the allegation may have substance, s/he should ensure that it is referred immediately to the Health Board or An Garda Síochána as appropriate. If s/he is unsure, advice should be sought from the Health Board. If a referral is made, the procedures above should be followed.

Record Keeping

In all situations, including those in which the cause of concern arises from a disclosure made in confidence, it is extremely important to record, as soon as possible after the incident has taken place, the details of an allegation or reported incident, regardless of whether or not a referral is subsequently made to a statutory agency. Any reports/completed forms should be stored in a safe and secure location. It is possible that school personnel may subsequently be invited to attend a child protection conference by the appropriate health board. When an individual makes a report to the statutory authorities, the possibility always exists

that s/he may be called to give evidence should legal action be taken. It is therefore important to record details of disclosure and any other relevant information that may have been heard and seen. [Appendix 5 sets out specific guidelines on record keeping regarding suspicions or allegations of child abuse.]

Section 2 - Procedures for Reporting Suspicions or Allegations of Abuse

Step 1: What a teacher or other school employee should do

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 the school. If the suspicion or allegation concerns the DLP, the teacher or employee should report the matter to the Chairperson of the Board of Management.

Where a young person confides in a member of staff about an allegation of child abuse great care must be taken not to damage the trust placed in them by the young person. Great tact and sensitivity will be required in responding to such a disclosure. The young person should be advised that the matter will be handled sensitively but that other adults will have to be informed in order to ensure their welfare. The need for confidentiality must be kept in mind at all times. Do not investigate. [Appendix 3 deals with handling disclosures from children.]

Step 2 - What the Designated Liaison Person, usually the Principal, should do

If the school employee (who reported a suspicion or allegation to the DLP) and the DLP are satisfied that there are reasonable grounds for the suspicion or allegation the DLP should report the matter immediately to

- The relevant Health Board staff (to the duty social worker in person, by phone or in writing; in an emergency and non-availability of Health Board, contact An Garda Síochána) (Use the Standard Report Form - Appendix 4)
- The Chairperson of the Board of Management
- The Trustees (normally through the Education Office)

School staff should remember that it is not their responsibility to make enquiries of parents or guardians. It is a matter for the appropriate health board to investigate suspected abuse and determine what action to take, including informing An Garda Síochána.

Reasonable Grounds for Concern

The relevant 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 is at risk of abuse. The National Guidelines for the Protection and Welfare of Children, *Children First*, give the following examples as constituting grounds for concern:

- a) Specific indication from the child that s/he was abused
- b) An account by a person who saw the child being abused
- c) Evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused another way
- d) 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 may be a case of abuse
- e) Consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

If in doubt about reasonable grounds for concern the DLP should consult the appropriate health board staff. At this informal stage, no identifying details need be given. If the health board advised that a referral should be made, the DLP should act on that advice.

If following discussion with health board, the DLP decides not to refer the matter to the Health Board or An Garda Síochána, the school employee should be given a clear statement, in writing, as to the reasons why action is not being taken. The school employee should be advised that, if s/he remains concerned about the situation, s/he is free to consult with or report to the health board. Any such report would be covered by the Protection for Persons Reporting Child Abuse Act, 1998, provided the report is made "reasonably and in good faith".

Step 3 - Role of the Health Board / An Garda Síochána

Once an allegation of child abuse has been reported to a health board (or An Garda Síochána), it is then a matter for the health board (or An Garda Síochána) to decide upon the action, if any, which is necessitated by that report. The response of the health board may be to call a child protection conference for the coordination of information from all relevant sources. Individuals who refer or discuss their concerns about the care and protection of children with health board staff should be informed of the likely steps to be taken by the professionals involved. Health board staff have a responsibility to inform persons reporting alleged child abuse and other involved professionals of the outcome of any enquiry or investigation into that reported concern.

Section 3 - Procedures for dealing with an employee of the school who is suspected of abusing or alleged to have abused a child

In general, the same person should not have responsibility for dealing with the reporting of such an allegation to the appropriate authorities (Health Board or An Garda Síochána) and with the employment issues.

- The DLP will normally be responsible for reporting the matter to the Health Board and
- The Chairperson of the Board of Management, acting in consultation with her/his Board of Management, will be responsible for addressing the employment issues.
- Where an allegation of abuse is against the DLP, the Chairperson will assume responsibility for reporting the matter to the Health Board also.

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. The guidelines are designed to have due regard to the rights and interests of the pupils under the care of the Board of Management and those of an employee against whom an allegation is made. 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.

Employee Support

The school employee may need support pending investigation and resolution of the matter. External services shall be made available to the employee for this purpose.

Legal Advice

The Board should seek legal advice when dealing with an employee against whom a suspicion has been raised or an allegation of abuse made.

Reporting Procedure

Where an allegation of abuse is made against a school employee, the DSL (or Chairperson, if the allegation is against the Principal/DLP) within the school should immediately act in accordance with the reporting procedures set out in previous section.

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 DLP should always inform the Chairperson of the Board of Management and the Trustees of the allegation.

Action to be taken by the Chairperson

Where the Chairperson of a Board of Management becomes aware of an allegation of abuse against a school employee (including the Principal), the Chairperson should privately inform the employee of the following:

- 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 the appropriate health board by the designate liaison person (or the Chairperson).

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 of time. The employee should be told that his/her explanation to the Board would also have to be passed on to the health board.

The first priority should be to ensure that no child is exposed to unnecessary risk. The Chairperson of the Board of Management should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or other wise, unless necessary to protect children.

Administrative Leave

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. Where the Chairperson is unsure as to whether the nature of the allegations warrants the absence of the employee from the school while the matter is being investigated, s/he should consult with the Child Care Manager of the local health board and/or An Garda Síochána for advice as to the action that those authorities would consider necessary. Following those consultations, the Chairperson should have due regard for the advice offered.

Any absence by a school employee would be regarded as administrative leave of absence with pay and not a suspension. Such leave of absence would not imply any degree of guilt on the part of the school employee.

Where such a leave of absence is invoked,

- the Trustees should be informed immediately. The pupil or parent making the allegation should also normally be informed, confidentially, regarding the leave of absence
- the Department of Education and Science should be contacted with regard to (a) formal approval for paid leave of absence of the school employee (b) departmental sanction for the employment of a substitute teacher.

Action to be taken by the Board of Management

Initial Meeting to hear about the allegation(s)

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. An immediate meeting of the Board should be convened for this purpose and Board members should be informed of the nature of the allegation(s), the action to be taken in respect of same and the outcome of any consultations with the health board and/or An Garda Síochána. Members of the Board of Management should be reminded of their serious responsibilities to maintain strict confidentiality about all matters relating to the issue. The principles of due process and natural justice should be adhered to by the Board.

In certain situations, it might not be possible for the Board of Management to reach any definitive conclusions as to whether the alleged abuse actually occurred. Such a situation could occur where allegations

of abuse relate to the past employment of the school employee and where these allegations are being investigated by either the Health Board or An Garda Síochána. In such cases, it may not prove possible for the Board of Management to conduct any proper inquiry into the allegations. In these cases, the Chairperson of the Board of Management should maintain regular and close liaison with those authorities and a decision on the position of the school employee should be taken having due regard to the advice given to the Board of Management by those authorities. If a decision is taken that the school employee should take administrative leave of absence, the following should be informed immediately - the Department of Education and Science, the Trustees and (in strict confidence) the pupil or parent who made the allegation.

Subsequent Meeting to consider the allegation(s)

Where the alleged abuse has taken place within its school, or related to abuse of pupils of the school by school employees outside of school time, the Board of Management should convene a further 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 board and/or An Garda Síochána in relation to the allegation(s) and the written response of the employee to the allegation(s).

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 and may be accompanied by another person in doing so. Parents/guardians may act on behalf of a child. Likewise the employee should be afforded an opportunity to make a presentation of his/her case to the Board and may be accompanied by another person.

Having followed the procedures outlined above, and having satisfied itself that it has sufficient information to make a determination in relation to the allegation, the Board should then make a decision on the action, if any, it considers necessary to take in respect of the employee. The Department of Education and Science should be informed of the outcome where the school employee has been absent on administrative leave.

Outcome of disciplinary investigation

At the end of the investigation, a meeting should be arranged to inform the employee of the next steps. The employee may be accompanied or represented by friend or an organisation representative.

If the outcome is a disciplinary charge, further action will be in accordance with the school's disciplinary procedures, and will happen after the child protection enquiries.

If the employee has been suspended and it is not intended to proceed with any form of disciplinary action or to dismiss, the suspension should be lifted immediately by the appropriate body. The Principal should meet the employee to discuss the person's return to work.

Appendix 1: Definition of Child Abuse

Appendix 2: Recognising Child Abuse

Appendix 3: Handling Disclosures from Children

Appendix 4: Standard Reporting Form

Appendix 5: Record Keeping

Appendix 6: Professional Code of Behaviour

Appendix 7: Avoiding Allegations

Appendix 8: Recruitment Procedures