

## Child Protection Policy

### Drinnagh Castle Primary

#### Child Protection Policy Statement:

Schools have an obligation to provide students with the highest possible standard of care in order to promote their well-being and protect them from harm. School personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in children.

- Mindful of this primary duty of care, the Board of Management of Drinnagh Castle Primary fully endorses “Children First”, the designated guidelines for the protection and welfare of children as issued by the Department of Health and Children, September 1999 and “Child Protection Guidelines and Procedures” from the Department of Education & Science, April 2001 and Circular 65/2011.
- The Board nominates the Principal as the designated liaison person (DLP) to act as a liaison with outside agencies such as health board and as a resource person to any staff having child protection concerns.
- In the absence of the Principal, the Deputy Principal will act as Deputy Designated Liaison Person (DDL).P).
- The Board will ensure that appropriate and on-going training as necessary will be available for DLP and the DDL.
- The Board fully endorses arrangements for the vetting of teaching and non-teaching staff as outlined in Circular 0094/2006, June 2006, 63/2010 for the Department of Education & Science.
- Recognising that the safety and well-being of children attending the school is a priority, the Board undertakes to include Child Protection & Health & Safety matters as items on the agenda of all Board meetings forthwith.
- The Board will ensure that all school staff, teaching and non-teaching are aware of their obligations under the guidelines detailed in *Children First* and the procedures to be followed in the event of concern.
- The Board recognises that it has two duties of care. The primary duty is the protection, safety and welfare of the children attending Drinnagh Castle Primary. The Board as an employer also has duties and responsibilities towards its employees.
- As an employer, the Board will seek legal advice if an allegation of abuse is made against a school employee.
- The Board will adhere to the protocol outlined in Ch. 4. Allegations or Suspicions of Child Abuse of School Employees, in “Child Protection Guidelines and Procedures” from the Department of Education & Science 2001, to authorise any actions required to protect the children in its care. The Board notes that school employees may be subject to erroneous or malicious allegations. Any allegation of abuse should be dealt with sensitively. The employee should be treated fairly which includes the right not to be judged in advance of a full and fair enquiry. The Board accepts that the principles of natural justice and fair procedures must be adhered to.

- The Board believes that the academic, personal and social development of children flourishes in a culture where good relationships are encouraged, people feel valued and respected and appropriate support is available for those in difficulty.
- The Board is committed to the maintenance of the environment where children feel secure, are encouraged to express themselves and are listened to. All children in the school will be made aware that there are adults in the school whom they can approach if they are worried. In addition, opportunities will be included in the curriculum for children to develop the skills they need to keep them safe.
- The Board undertakes to circulate this Child Protection policy statement to all parents and guardians at time of enrolment and on a regular basis thereafter. This policy statement and “Children First” will be available for viewing at the school office.
- This policy statement regarding Child Protection at Drimnagh Castle Primary applies to all staff, members of the Board of Management, volunteers and contractors working in the school.
- This policy statement will be subject to review at the start of each academic year forthwith.

### **Child Protection Policy of Drimnagh Castle Primary**

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 Drimnagh Castle Primary 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 the school principal
3. The Deputy Designated Liaison Person (Deputy DLP) is the school deputy principal
4. In its policies, practices and activities, Drimnagh Castle Primary will adhere to the following principles of best practice in child protection and welfare:
  1. 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.
2. The school will also adhere to the above principles in relation to any adult pupil with a special vulnerability.
  3. The Board will ensure that account is taken of child protection issues in the formulation of school policies, practices and activities that are particularly relevant to child protection (e.g. the Code of Behaviour/Anti-bullying Policy, Pupil Attendance Strategy, Supervision of Pupils, Sporting Activities/School Outings etc.)
  4. The Board will ensure that the SPHE and Stay Safe Programme are implemented in full in the school.
  5. All information regarding concerns of child abuse will only be shared on a need to know basis in the interests of the parties concerned.
  6. 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.
  7. This policy has been made available to school personnel and the Parents' Council) 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.
  8. This policy will be reviewed by the Board of Management once in every school year.

### **Child Protection Policy Notes**

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  
 Circular 65/2011

### **References**

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

"Children First" – Department of Health & Children 1999  
 "Child Protection" – Department of Education & Science 2001  
 Circular 65/2011

### **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 should be processed through the DLP. Further information on the responsibilities of the DLP is included in 'Child Protection DES' – 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 are in 'Child Protection DES' Chapter 3 – Section 3.2 pg. 11 – 12.

### **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.

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 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 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 should be contacted immediately.

A child should 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 DES Book 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: -

- i. Considering the possibility
- ii. Looking out for signs of abuse
- iii. 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 child should understand that it is not possible that any information will be kept a secret.

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

- Listen compassionately to the child
- Take all disclosures seriously
- The child should NOT be questioned unless the nature of what he / she is saying is unclear.
- Open, non-specific questions should be used such as, “Can you explain to me what you mean by that?”
- 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.
- No judgemental statement should be made about the person against whom the allegation is made.
- Explain that further help may have to be sought
- The child should be given some indication of what will happen next, such as informing the DLP, parents/carers etc.
- 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')

- i. The Reporting Procedure
- ii. The Procedure for dealing with the Employee.

The DLP has responsibility for reporting the matter to the Health Board. The Chairperson, 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 employee, the chairperson and DLP should make the employee aware privately

- a) An allegation has been made against him/her
- b) The nature of the allegation
- c) 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 Chairman 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.

### **Contact Details:**

GARDA	Sundrive – 6666600 Comm.Garda Crumlin 6666200	
HSE area	Address	Telephone Number
DUBLIN SOUTH WEST	Milbrook Lawn, Tallaght, Dublin 24	(01) 452 0666 (01) 427 5000

*Drimnagh Castle Primary*

## **Protocol authorising immediate action**

The following protocol authorises immediate action under section 5.2 of the ‘Child Protection Procedures for Primary and Post Primary Schools’.

### **Primary**

In the context of these procedures, where circumstances warrant it, as a precautionary measure in order to protect the children in the school and in accordance with the principles of natural justice and the presumption of innocence, the chairperson of the Board of Management is authorised by the school authority to direct an employee to immediately absent himself/herself from the school without loss of pay until the matter has been considered by the employer.

The employee will be invited to a meeting with the chairperson, the purpose of which is to inform the employee of the allegation and the action being taken. The employee may be accompanied by an appropriate person of his or her choice and will be so advised.

In any event, the employee will also be advised of the matter, in writing.

### **Guidance Notes**

The HSE has a statutory responsibility under the Child Care Act, 1991 to promote the welfare and protection of children. The HSE therefore has an obligation to receive information about any child who is not receiving adequate care and/or protection.

This Report Form is for use by:

- Any professional, individual or group involved in services to children, including HSE personnel, who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported.
- Professionals and individuals in the provision of child care services in the community who have service contracts with the HSE.
- Designated persons in a voluntary or community agency.

Please fill in as much information and detail as is known to you. This will assist the Social Work Department in assessing the level of risk to the child or the support services required. If the information requested is not known to you, please indicate this by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

The HSE aims to work in partnership with parents. If you are making this report in confidence, you should note that the HSE cannot guarantee absolute confidentiality for the following reasons:

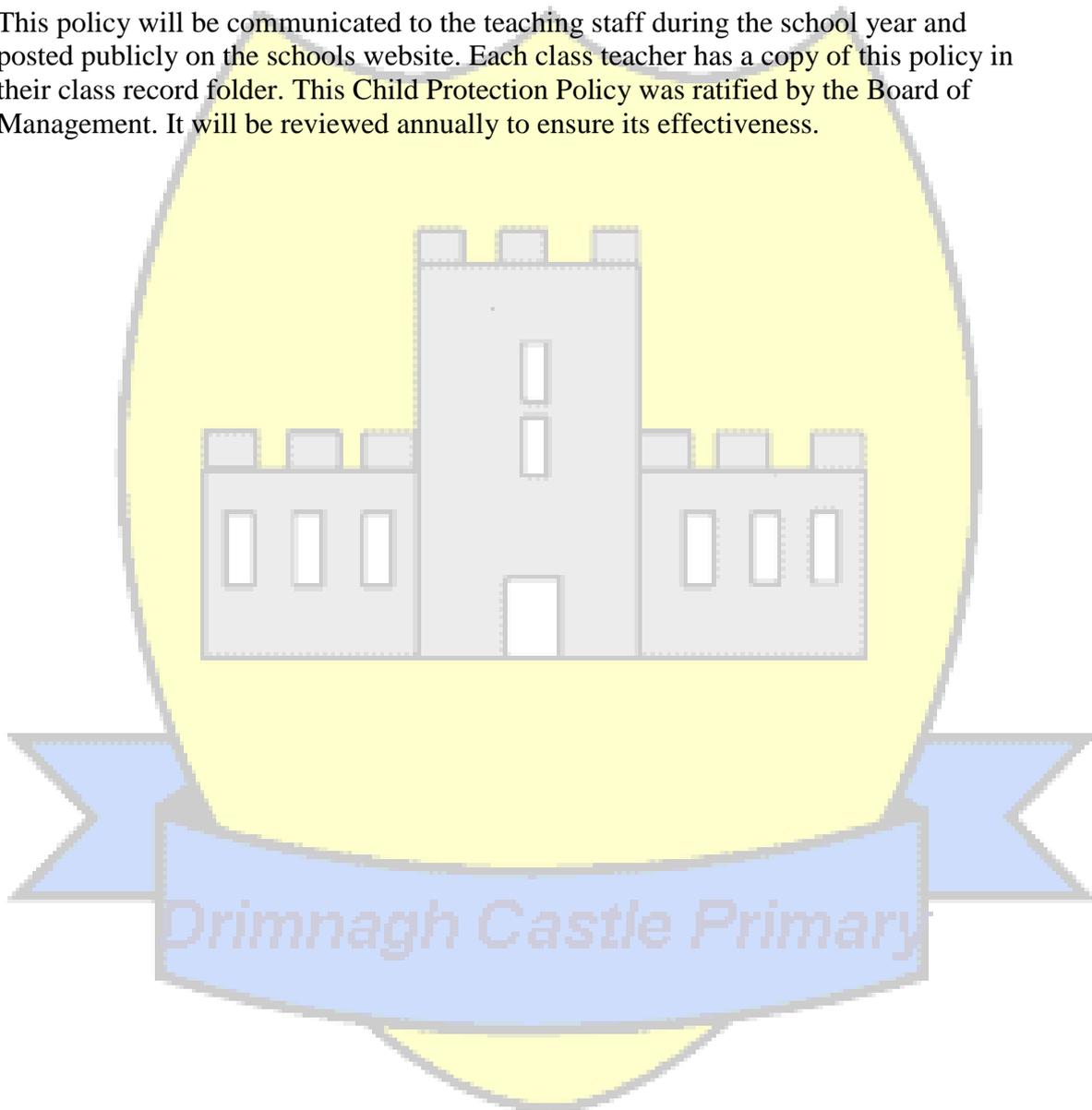
- A Court could order that information be disclosed.
- Under the Freedom of Information Act, 1997, the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a 'bona fide report', you are protected under the Protections for Persons reporting Child Abuse Act, 1998.

If you are unsure if you should report your concerns, please telephone the HSE duty social worker and discuss your concerns with them (*see **Appendix 5** of these procedures for a full list of HSE offices nationwide*).

### **Dissemination, Ratification and Review:**

This policy will be communicated to the teaching staff during the school year and posted publicly on the schools website. Each class teacher has a copy of this policy in their class record folder. This Child Protection Policy was ratified by the Board of Management. It will be reviewed annually to ensure its effectiveness.



## STANDARD REPORT FORM

(For reporting CP&W Concerns to HSE)



**A. To Principal Social Worker/Designate:** \_\_\_\_\_

**1. Date of Report** \_\_\_\_\_

**2. Details of Child**

Name:		Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address:	DOB		Age		
	School				
Alias	Correspondence address (if different)				

**3. Details of Persons Reporting Concern(s)**

Name:		Telephone No.	
Address:	Occupation:		
	Relationship to client:		
Reporter wishes to remain anonymous	<input type="checkbox"/>	Reporter discussed with parents/guardians	<input type="checkbox"/>

**4. Parents Aware of Report**

Are the child's parents/carers aware that this concern is being reported to the HSE? Yes  No

**5. Details of Report**

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent's view(s), child's view(s) if known.)*

**STANDARD REPORT FORM***(For reporting CP&W Concerns to HSE)***6. Relationships**

Details of Mother		Details of Father	
Name:		Name:	
Address: (if different to child)		Address: (if different to child)	
Telephone Nos.		Telephone Nos.	

**7. Household composition**

Name	Relationship	DOB	Additional information, e.g. school/occupation/other

**8. Name and Address of other personnel or agencies involved with this child:**

	Name	Address
Social Worker		
PHN		
GP		
Hospital		
School		
Gardaí		
Pre-School/Crèche/YG		
Other ( <i>specify</i> ):		

**9. Details of person(s) allegedly causing concern in relation to the child**

Relationship to child:	Age	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Name:	Occupation:		
Address:			

**10. Details of person completing form**

Name:	Occupation:
Signed	Date:

## Child Protection Guidelines Checklist for School Employees

**Designated Liaison Person:                   Principal**

**Deputy Designated Liaison Person:   Deputy Principal**

### **If a child discloses information to you:-**

- Listen
- Do not ask leading questions
- Offer reassurance but do not promise not to tell
- Explain that other adults may need to be told - DLP
- Do not stop the child speaking
- Do not over react or comment
- Inform DLP - If you have a reasonable suspicion or reasonable grounds for concern that a child is at risk or has suffered abuse, the DLP should contact the Health Board for advice
- At the earliest opportunity, record accurately what the child has said – Using the child's own words. Record date/time and context of the disclosure. Use child's registration number – Not child's name
- Facts only
- Sketch signs of physical injury if appropriate
- Retain records for a period of 21 years in keeping with the school's Record Keeping Policy

### **The following should also be reported to the DLP:**

- An account from a person who saw a child being abused
- Injury consistent with abuse
- Dysfunctional behaviour
- Implausible explanations for injury or behaviour
- Consistent evidence over a period of time that a child is being emotionally or physically neglected

### **Health Board Response:**

- School is asked to monitor the situation
- Formal report is requested , sent by DLP and on receipt case is allocated to Social Worker
- Preliminary enquiry – Screening process
- Initial assessment

### **Possible outcomes:**

- Case closed
- Family support
- Child Protection Plan (usually following a case conference)