

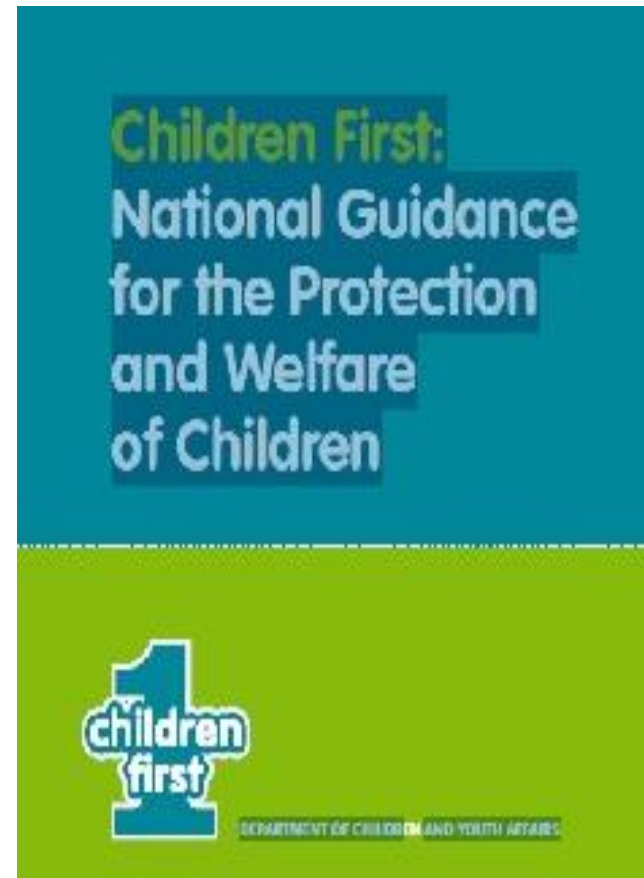
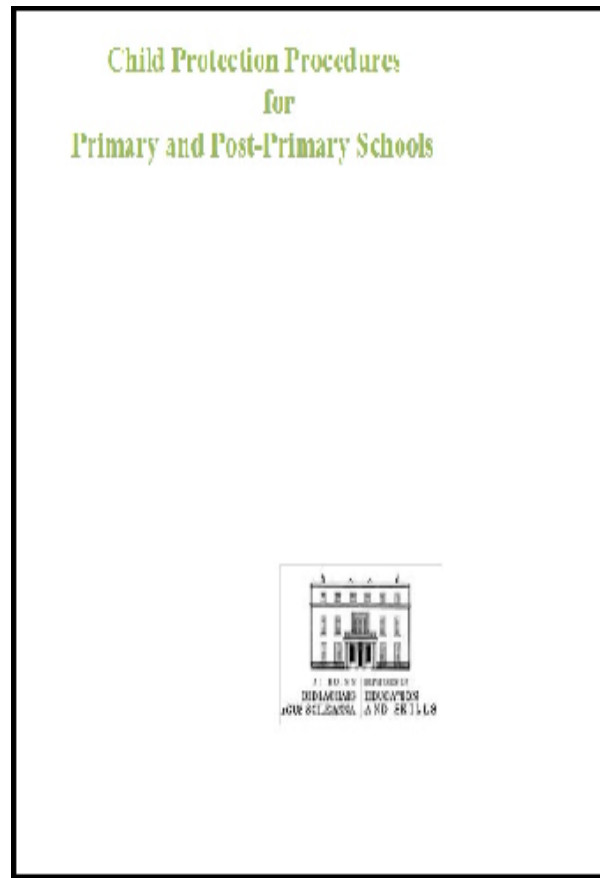
National Programme of Training
for
Boards of Management

Child Protection

2012

DES 2011 *Child Protection Procedures* replace the 2001 guidelines.
www.education.ie

HSE *Children First - National Guidance for the Protection and Welfare of Children* 2011 supersedes previous version. www.dcyu.ie



Child Protection

- A school's Child Protection Policy must conform to DES 2011 *Procedures* - no longer referred to as "Guidelines"
- Associated policies
 - Stay Safe - now mandatory
 - Code of Behaviour- conform with NEWB Guidelines
 - Anti Bullying Policy

DES Procedures: Aims

- Give direction & guidance for implementation of *Children First* when dealing with allegations / suspicions of child abuse & neglect and
- Provide sufficient information to school authorities / personnel to enable them to be alert & aware of what to do in situations where there is a concern, suspicion or allegation of child abuse or neglect.

(Para 1.1.3 DES 2011 Procedures)

DES Procedures: General Principles

- The most important consideration is the protection of children (para 1.1.4)
- Child protection and welfare considerations permeate all aspects of school life and should be reflected in all of the school's policies, practices & activities (para 1.3.2)
- Confidentiality is essential: information should only be shared on a "need to know" basis in the interests of the child. (para 1.9.1)

New provisions...

Now *Procedures* not *Guidelines*

- All schools must have a child protection policy; formally adopt & implement without modification the *2011 Procedures* (para 1.2)
- Template child protection policy provided
(Appendix 1)
- DLP & deputy DLP must be named in the policy
- All primary schools must fully implement Stay Safe & SPHE (paras. 1.2, 1.5.1 & 1.6)

Main new provisions...

- Protocol authorising immediate action (Appendix 6)
- Principal's report includes report on child protection & it must be on the agenda for all BoM meetings
- Information to HSE regarding children who transfer where there has been a child protection report (para 4.2.7)

Main new provisions cont'd...

Improved oversight arrangements (para 1.2) which include:-

- ❖ A copy of the school's child protection policy including names of DLP & Deputy DLP shall be made available to all school personnel & the PA & must be readily accessible to parents on request
- ❖ The name of the DLP must be displayed in a prominent position near the main entrance to the school
- ❖ Requirements regarding principal's report and BoM minutes
- ❖ Annual review must be conducted by the BoM – Checklist, Appendix 2

Definitions & Roles

(Glossary, page 4)

- Employer is the BoM
- School authority is the BoM
- School personnel - employees & volunteers
- Role of Board of Management
- Role of DLP
- Role of Staff

Roles of various personnel...

- The BoM has primary responsibility for the care and welfare of pupils and is required to adhere to the 2011 Procedures in dealing with allegations or suspicions of child abuse. Schools have duty of care to ensure that appropriate arrangements are in place to protect pupils from harm (para 3.1)
- School personnel are required to adhere to the 2011 Procedures in dealing with allegations or suspicions of child abuse (para 1.1.2). If staff have concerns that children with whom they have contact may have been, or are being abused or neglected or are at risk of same, the matter should be reported without delay to the DLP in the school in accordance with the procedures. (chapter 4)
- The DLP has specific responsibility for child protection in the school (para 3.2).

Board of Management

BoM....

- Adopt & implement without modification the *2011 Procedures*
(para 1.1.2 & 1.2)
- Adhere to the Procedures in dealing with allegations or suspicions of child abuse
(para 1.1.2)
- Fully implement Stay Safe - which is mandatory
(paras 1.2 & 1.6)
- Fully implement the Social, Personal and Health Education (SPHE) programme which is mandatory
(para 1.5.1)
- Use the standard template child protection policy
Appendix 1
- Name the DLP and deputy DLP in the school's child protection policy
(para 1.3.1)

BoM cont'd...

- The name of DLP must be displayed in a prominent position near the main entrance (para 1.2)
- The Child Protection Policy be made available to all school personnel, the PA & readily accessible to parents on request (para 1.2)
- Ensure that staff & all who work with children are familiar with the *Procedures* (para 1.8)
- Put in place a protocol authorising immediate action when it is necessary to put a staff member on administrative leave (see Appendix 6)

BoM cont'd...

- Annual review of the school's child protection policy shall be conducted
- As part of the annual review, review the school's implementation of the *Procedures*
- Checklist as an aid to conducting the annual review at Appendix 2
- Put in place an action plan to address any areas for improvement identified by the review and arrange for these to be dealt with as quickly as possible

(Para 1.2)

BoM cont'd...

- Monitor progress of children at risk if requested (para 4.5.7)
- Contribute to prevention through curricular provision (para 1.5)
- In-service for staff and BoM (para 1.8)
- Use Procedures for allegations against employees (chapter 5)
- Must comply with Vetting requirements (para 1.7)

Meetings

At **each** meeting:

Principal's report shall state since last meeting:

- Number of reports made to the HSE by the DLP [only the number, no other details]
- Number of cases, where the DLP sought advice from the HSE & as a result, no report was made
- If no such cases state this fact.
- The minutes shall record the above.

(paras 1.2 & 4.3 DES 2011 Procedures)

Designated Liaison Person

The DLP...

- The liaison person - dealing with the HSE, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse (p.4 (definitions) & para 3.2)
- BoM also designates a Deputy DLP
- Name of DLP is displayed in a prominent position near main entrance
- Names of DLP & DDLP are recorded in the child protection policy
- The DLP is the resource person for any staff/volunteer who has child protection concerns & as such shall keep updated on new developments via training etc.
- Role of DLP – (Section 3.2 p.18)

DLP-cont'd

Action to be taken by DLP

(para 4.2)

- If DLP satisfied of reasonable grounds for suspicion/allegation shall report to HSE (para 4.2.2)
- Informal advice from HSE where not sure whether to report (para 4.2.1)
- Principal's report to BoM
- DLP shall make Children First accessible to school personnel (para 3.4.1)
- When making a report inform parent unless endangers/puts child at further risk (para 4.2.2)
- Where child transfers or leaves school, DLP to notify HSE if child protection report was made to HSE in the past (para 4.2.7)

School Staff

Implications for staff

- Signs of abuse (chapter 2, para 3.4 & indicators in Appendix 3)
- Dealing with disclosures from children (para 3.5)
- Must have the necessary familiarity with procedures to fulfil responsibilities (para 1.8)
- Liaise with DLP
- School personnel have a supportive not an investigative role

Vetting

- Must comply with Circular 63/2010
- Vetting for staff, volunteers, contract workers etc. who have or may have unsupervised access
- Check suitability to work with children
- Does not take the place of normal recruitment procedures e.g. Establishing identity, seeking and following up references/referees, accounting for unexplained gaps in cv etc.
- Vetting outcome, Statutory Declaration and Undertaking are vetting requirements. (para 1.7)

Training

- Relevant training & education is an important means of achieving effective child protection (para 1.8)
- National training - funded by DES
- Stay Safe - (CAPP) - Training on the Stay Safe programme is provided for the whole school community i.e. staff, parents and BoMs
www.staysafe.ie
- Other Training by PDST www.pdst.ie

Child Protection Policy

Child protection policy

- The DLP and deputy DLP must be named in the policy (para 1.3.1)
- Policy lists other school policies relevant to child protection e.g. code of behaviour/anti-bullying, pupil attendance strategy etc. (para 1.3.3)
- Copy provided to DES and Patron if requested (para 1.3.4)
- Made available to staff and PA and to parents in general on request (para 1.3.4)
- Template in Appendix 1

Child protection policy cont'd

- Recognise that the protection & welfare of children is of paramount importance
- Fully co-operate with statutory authorities
- Adopt safe practices
- Develop a practice of openness with parents & encourage parental involvement
- Fully respect confidentiality requirements (para 1.3.2)

Types of Child Abuse

- **Neglect**

- Wilful
- Circumstantial
- Significant harm / impairment of development by being deprived

- **Emotional Abuse**

- Relationship
- Need for affection, approval, consistency & security not met
- Threshold of significant harm when abusive interactions dominate and become typical of relationship.

Types of Child Abuse

- **Physical Abuse**

- Actual or potential harm from an interaction or lack of interaction

- **Sexual Abuse**

- Non contact
- Contact
- Abuse
- Exploitation

Reporting to HSE (DES Procedures, Chapter 4)

- If a staff member receives an allegation or has a suspicion that a child may have been/is being/or at risk of being abused or neglected, s/he shall without delay report the matter to the DLP (para 4.1)
- A written record shall be made by the DLP and kept securely (para 4.1)
- If the DLP is satisfied that there are reasonable grounds for the suspicion or allegation s/he shall report the matter to the HSE immediately. The **Standard Reporting Form** (page 49-50, DES Procedures) should be used even if the report is initially made in person, by phone or in writing to either the HSE or Gardaí (para 4.2.2)
- Where the allegation/concern relates to DLP the matter is reported to the Chairperson by the staff member (para 4.1)

Reporting to HSE

- Where the DLP is not sure whether to report to HSE – informal advice
(para 4.2.1)
- In the event of an emergency or non-availability of HSE staff, the report should be made to the Gardaí
(para 4.2.2)
- The DLP shall also report the matter to the BOM-no details unless there are issues which need to be addressed, no information in minutes that might identify
(paras 4.2.3 to 4.2.5)
- Parent should be informed unless likely to endanger/place child at further risk
(para 4.2.2)

Informal advice

- Where there are concerns & the DLP is not sure whether to report the matter to the HSE, the DLP shall seek advice from the HSE (para 4.2.1)
- DLP must be explicit that s/he is seeking advice & not making a report - no identifying details given
- If HSE advises that a report should not be made the DLP informs the BoM asap
- If HSE advises that report should be made DLP must act on that advice
- In all cases the DLP shall retain a record of consultation with HSE, which will note date, name of HSE official & the advice given (paragraph 4.2.1)

Keeping records

- Essential to have a written record of the information available (para 3.6.1)
- Staff should note what they have observed and when (para 3.6.1)
- All records highly confidential; shall be retained in a secure location by the DLP (para 3.6.2)
- FoI – not applicable to schools but may apply where reports have been made to HSE (para 1.12)
- Data Protection - applicable to schools (para 1.13)

If a request is made - advisable to obtain legal advice

Peer Abuse

(Chapter 6, DES Procedures)

Alleged perpetrator also a child

- As appropriate, certain cases should be reported to the HSE
- Informal advice
- Where there are allegations or suspicions of peer abuse, the same reporting procedures will be followed by the DLP
- The child protection procedures should be adhered to for both the victim and the alleged abuser
- School will make arrangements to meet separately with parents of all the children involved with a view to resolving the matter
- The school will make arrangements to minimise the possibility of any abusive behaviour recurring
- Bullying-in first instance school responsibility, NEWB guidelines, serious instances should be reported to the HSE Children and Family Services

Child Protection Conferences

A forum for the co-ordination of information from all relevant sources, including where necessary, school personnel

- A request is made by the HSE to the DLP who should consult with the BoM
 - BoM may seek clarification through the DLP as to why the attendance of the school employee is necessary and ascertain who else will be present
 - If there are concerns about the attendance of parents, the school should contact the conference chairperson for guidance
 - Normal for person attending to provide a report to the conference
 - The school may be requested to monitor the child's behaviour.
- (paragraph 4.5 DES 2011 Procedures)

Role of an Garda Síochána

- Gardaí have overall responsibility for direction of any criminal investigation (para 4.6)
- GCVU provides vetting
- Where HSE suspects that a child has been/is being physically/sexually abused or wilfully neglected it must notify Gardaí & must inform person reporting that information will be shared with Gardaí (para 4.7)
- When Gardaí suspect that a child has been/is the victim of emotional/physical/sexual abuse/neglect they must notify HSE (para 4.7)

Advice/Feedback from HSE

- In all cases, where a person seeks advice from HSE about whether to report a matter it is required to provide such advice
- Persons who refer or discuss their concerns about the care and protection of children with HSE, should be informed of the likely steps to be taken by the professionals involved
- Where appropriate & within normal limits of confidentiality, HSE staff has a responsibility to inform persons reporting alleged child abuse and other involved professionals about the outcomes of any inquiry or investigation into that reported concern
- The HSE should provide feedback to the employer on the progress of a child abuse assessment/investigation involving an employee and HSE should seek to complete its assessment ASAP –serious implications for innocent employees. Employers should be notified of outcome of the HSE assessment and/or Garda investigation.

(paragraph 4.8)

Allegations of Child Abuse against School Employees

DES Procedures, Chapter 5

Allegations against employees

- Most important consideration is protection of children; BoM also has duties & responsibilities as an employer (para 5.1.1)
- Competent, independent legal advice should always be sought—circumstances may vary from case to case (para 5.1.7)
- Two procedures (para 5.1.4) to be followed:
 - reporting procedure in respect of the allegation/suspicion
 - procedure for dealing with the employee (includes volunteers)

Note: Insurer should be informed and authorisation for legal advice sought.

Allegations against employees cont'd

- DLP is responsible for reporting the matter to HSE (section 4.2) Whether or not a matter reported to HSE DLP always informs the BoM of the allegation (para 5.3.2)
- Employer (Chairperson) is responsible for addressing employment issues (para 5.1.4)
- Where a report has been made regarding a BoM member-Patron informed (para 5.1.5)
- Where an allegation of abuse is made against the DLP, the Chairperson will assume responsibility for reporting to the HSE (para 5.1.4)

Protocol authorising immediate action

BoMs should have a written protocol

- The Chairperson of BoM is authorised (where circumstances warrant it) to direct an employee to immediately absent him/herself from the school without loss of pay until the matter has been considered by the BoM
- Principles of natural justice and fair procedures apply
- Precautionary not disciplinary matter
- Employee will receive a written invitation to a meeting the purpose of which is to inform him/her regarding the allegation & action being taken, advise employee that s/he may be accompanied by “appropriate” person.
- Where protocol invoked an Emergency BoM meeting shall be convened (paragraph 5.2 & Appendix 6)

Template - Appendix 6

Action to be taken

- Matter treated in strictest confidence
- Chairperson informs employee:
 - that an allegation has been made against him/her
 - the nature of allegation
 - whether the matter has been reported to HSE
 - gives the employee a copy of the written allegation & other related documentation
 - seeks a response in writing from employee
 - takes appropriate protective measures

(paragraph 5.4)

Action to be taken-cont'd...

- Maintain close liaison with HSE/Gardaí – decision on position of school employee shall be taken having regard to advice given
- Should ensure that action taken does not undermine or frustrate HSE/Garda investigation
- Follow up action will accord with established disciplinary procedures and shall only be made following consultation with HSE/Gardaí (if involved)
- Follow agreed procedures for the sector
- Feedback from HSE

(paragraph 5.4)

Protective Measures

- If nature of allegation warrants immediate action, the employee is directed to absent him/herself from school with immediate effect (*protocol/administrative leave*)
- If unsure, consult the HSE and/or the Gardaí
- Have due regard for the advice offered
- Maintain regular and close liaison with HSE or Gardaí
- Any information that might identify a child should not be recorded in BoM minutes. (paragraph 5.4.5 to 5.4.9 & Appendix 6)

The BoM

- Where protocol invoked an emergency meeting of the BoM shall be convened (para 5.2.2)
- Remind BoM members to maintain strict confidentiality (para 5.4.8)
- Principles of natural justice (para 5.4.8)
- Keep appropriate minutes of the meeting - details that might identify a child should not be recorded (para 5.4.9)

Protection for Persons Reporting Child Abuse

- The **1998 Act** provides...
 - immunity from civil liability provided reporting is done to designated officers of HSE & Gardaí “reasonably and in good faith”
 - protection for employees who report child abuse
- Offence of false reporting where a person makes a report “knowing that statement to be false” –designed to protect innocent persons from malicious reports
- **Qualified privilege** - the person making the communication has a duty to do so, or a right or interest to protect and where the communication is made to a person with a similar duty, right or interest.

Implications

School procedures already in place, and new procedures being put in place in the future, should be examined with reference to the DES 2011 Procedures *e.g.*

- *Acceptable use of ICT – photos, videos, websites*
- *Pupil attendance strategy*
- *Code of behaviour/Anti bullying policy*
- *Extra curricular activities*
- *Induction of new staff*
- *Record keeping*
- *School tours/outings and trips*
- *SEN – one to one teaching, intimate care...*
- *Supervision of pupils*
- *Transporting children*
- *Others...*

Essential Reading

- *Children First-National Guidance for the Protection and Welfare of Children 2011* issued by the Department of Children and Youth Affairs
- *Child Protection Procedures for Primary and Post-Primary School 2011* issued by the Department of Education & Skills (DES *Child Protection Procedures*)
- Circular 63/2010 in relation to vetting
- DES (2011) *Constitution of Boards & Rules of Procedure*
- *Circular 65/2011 Appendix 1 : Policy Template ; Appendix 2 Checklist for annual review*

Reminders

- Register signed
- Evaluations completed and returned
- Schedule for training
 - The Board as Corporate Entity. Function, Roles and The Board in Action (May 2012)
 - Child Protection (September 2012)
 - Board Finances & Role of Treasurer (Nov. 2012)
 - Legal Issues. Policies and procedures arising from legislation, guidelines and circulars (Feb. 2013)
 - Appointment Procedures (April 2013)