



Child Safe Guarding Policy School of the Divine Child

The Child Protection Policy of the School of the Divine Child should be read in conjunction with the School's Code of Behaviour/Anti Bullying Policy; Attendance strategy, Supervision of Pupils, Trips and Outings, Work Experience, Intimate care, RSE policies and protocols.

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

Children First: National Guidance for the Protection and Welfare of Children 2011 (Department of Children and Youth Affairs)

Child Protection Procedures for Primary and Post-Primary Schools (Department of Education & Science 2011)

Circular 0065/2011 Child Protection for Primary and Post-Primary Schools

The Freedom of Information Acts 1997 and 2003

The Data Protection Acts, 1988 and 2003

Designated Liaison Person (DLP)

The Board of Management is responsible for the appointment of DLP and Deputy DLP in the School of the Divine Child. The Principal Patricia Harrington is the DLP. Should circumstances warrant it, the Deputy Principal Mary O'Hanlon who is also the Deputy Designated Liaison Person shall act as DLP. The DLP has specific responsibility for child protection and will represent the school in all dealings with Health Agencies, HSE, An Garda Síochána and other parties in connection with any allegation of abuse. All matters pertaining to the processing or investigation of child abuse should be processed through the DLP. Further information for school staff members can be accessed on pages 18-22 of *Child Protection Procedures for Primary and Post-Primary schools* which are published in an on-line format at www.education.ie > Child Protection

The name of the DLP and the Deputy DLP will be put on display at the entrance to the School of the Divine Child.

Copies of the Child Protection Policy will be circulated to all parents of children attending the School of the Divine Child and to all staff members. The Principal/Deputy Principal will take responsibility for introducing this policy to all new staff members.

The DLP will act as a liaison with outside agencies and as a resource person to any staff member or volunteer who has child protection concerns. The DLP shall ensure that he/she is knowledgeable about child protection and undertakes any training considered necessary to keep him/her updated on new developments.

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.

It should be noted that 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.

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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 briefly recorded together with the reasons for not doing so.

In emergency situations, where a Health Agency or 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 or its agencies 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 Health Service Executive or any member of An Garda Síochána (see Page 10 *Child Protection Procedures for Primary and Post-Primary schools*)

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.

Qualified Privilege (see page 11 *Child Protection Procedures for Primary and Post-Primary schools*)

While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. The Health Agencies 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.

Freedom of information Acts 1997 and 2003

Reports made to the Health Service Executive may be subject to provisions of the Freedom of Information Acts 1997 and 2003, which enables member of the public to obtain access to personal information relating to them which is in the possession of public bodies.

The exemptions and exclusions which are relevant to child protection include the following:

- (a) protecting records covered by legal professional privilege;
 - (b) protecting records which would facilitate the commission of a crime;
 - (c) protecting records which would reveal a confidential source of information.
- (pg. 11 *Child Protection Procedures for Primary and Post-Primary schools*)

Definition and Recognition of Child Abuse (pages 13-17 *Child Protection Procedures for Primary and Post-Primary schools*)

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.

Guidelines for Recognition of Child Abuse

A list of child abuse indicators and points to remember is contained in pages 10-12 and Appendix 1 *Children First: National Guidance for the Protection and Welfare of Children 2011*. 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 child abuse.

These are –

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1. Considering the possibility
2. Looking out for signs of abuse.
3. Recording of information

Handling Disclosures from Children

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 (see *Children First: National Guidance for the Protection and Welfare of Children 2011. Page 25 section 4.8.5*)

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

- Listen to the child
- Take all disclosures seriously
- Do not ask leading question or make suggestions to the child
- Offer reassurance but do not make promises
- Do not stop a child recalling significant events
- Do not over-react
- Explain that further help may have to be sought
- Record the discussion accurately and retain the record

This information should then be passed onto the DLP.

If the reporting person or member of the school staff and the DLP are satisfied that there are reasonable grounds for the suspicion/allegation, the procedures for reporting as laid out in *Children First: National Guidance for the Protection and Welfare of Children 2011*.

The DLP will make a report to the Board of Management in any case where a report involving a child in the School of the Divine Child has been submitted to the HSE. The DLP shall also inform the Board of Management of cases where the DLP sought advice from the HSE and, as a result of this advice, no report was made. The Principal's report shall include the number of all such cases and this shall be recorded in the minutes of the Board meeting.

Allegations or Suspicions

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. The Employer is the Board of Management in the School of the Divine Child.

There are two procedures to be followed (*Chapter 5 page 30 Child Protection Procedures for Primary and Post-Primary Schools*)

1. The Reporting Procedure in respect of the allegation/suspicion
2. 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 is against the DLP, the Board of Management through the Chairperson will assume the responsibility for seeking advice from and or/ for reporting the matter to the HSE.

If the allegation is against a member of the Board of Management, the Board of Management shall inform the patron that a report involving a Board member has been submitted to the HSE. It is a matter

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for the patron to determine if any action is necessary regarding the member's continued role on the Board.

When an allegation of abuse is made against a school employee, it should be noted that the primary goal is to protect the children within the school. However, school employees 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.

Protocol for authorising immediate action

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 measures should be proportionate to the level of risk and should not unreasonably penalise the employee in any way unless to protect the child.

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. In making this determination the Board of Management requires that the following is put in place

- 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.
- 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 of the allegation before action is taken. If the nature of the allegations warrants immediate action in the Chairperson's opinion, the Board of Management should be convened to consider the matter.
- The Chairperson and/or 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 Agency or Garda has been/will be/must be/should be informed
 - d) 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 Garda, HSE, and legal advisers.

Board of Management

The Chairperson should inform the Board of Management of all the pertinent 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. The Board of Management should seek advice from the HSE and the legal advisers to the Board of Management and regard be had to this advice in any decisions being made.

Stay Safe Programme

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The Stay Safe Programme must be taught in the School of the Divine Child. Curricular guidelines to this programme are accessible on staysafe.ie – a special resource for Teachers. The Stay Safe programme also forms part of the school's RSE policy and Teachers discuss the programme at least once a year.

Recruitment Procedures and Garda Vetting

The Board of Management of the School of the Divine Child School will also ensure compliance with the Department's requirements in relation to the provision of a child protection related statutory declaration and associated form of undertaking by all persons being appointed to teaching and non-teaching positions.

Annual Review of Child Protection

The Board of Management of the School of the Divine Child will undertake an annual review of its Child Protection Policy and its implementation by the school.

The Board of Management will use the checklist provided in Appendix 2 of Circular 0065/2011.

The Board of Management will put in place an action plan to address any areas of improvement identified by the review.

The Board of Management shall inform in writing all school personnel and parents that a review has been undertaken.

A record of the review and its outcome will be kept on file and made available, if requested, to the patron and the Department of Education and Skills.

Child Safeguarding – Staff Guidelines

General Guidelines

Aim of this policy

To establish norms so that children can expect consistency from staff throughout their school day.

It is vital to the dignity and personal development of children with special needs that persons coming into contact with them during their school day show respect. This can be done in many ways, for example:

1. Allowing the child to become part of the decision making process and then acting on the child contributions.
2. Giving praise and compliments as much as possible.
3. Allocating ability and age appropriate responsibilities such as getting own lunch, putting away coat etc.
4. Setting tasks that are achievable for the child.
5. Being careful not to talk about children when they can overhear.

We should be aware of how we speak and behave towards the children as we go about our daily work for example:

1. Attempting to get eye-contact when we speak to them.
2. Using reduced language, visual timetables or signs to assist their understanding
3. Thanking them and praising them

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Mandated Persons

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
- 12. Teacher registered with the Teaching Council.**
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f) manager of a language school or other recreational school where children reside away from home;
 - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court;
 - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
 - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
 - (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

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17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Mandated persons have two main legal obligations under the Children First Act 2015

- To report harm of children, above a defined threshold, to Tusla
- To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report

As a mandated person, under the legislation you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

Further information and training available on [Tusla.ie/children first](https://tusla.ie/children-first)

This policy was reviewed as part of the Board of Management annual review of Child Protection in March 2020

Dave Ronayne, Chairperson