

Child Protection Policy

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

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 1999
"Child Protection" - Department of Education & Science 2001

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 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 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 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
- 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' - 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.