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## **Child Protection Policy**

### **INTRODUCTORY STATEMENT**

This document has been drawn up by the staff as a response to recent changes in legislation. Its primary aim is to give direction and guidance to the Board of Management and school personnel in dealing with allegations/suspicious of child abuse. In addition, it also aims to provide sufficient information to the Board of Management and school personnel to enable them to be alert to and be aware of what to do in situations where child abuse may be a concern or suspicion.

### **Rationale**

The BOM of St. Margaret's N.S. has adopted the Department of Education and Science Guidelines and Procedures for schools in relation to Child Protection and Welfare. This policy is an outline of how St. Margaret's N.S. proposes to implement these guidelines in order to ensure the protection and welfare of all children attending our school.

The **Designated Liaison Person (DLP)** is: Ms. Emer McCrea (Principal).

The **Deputy Designated Liaison Person (Deputy DLP)** is: Mary Rose Newman (Deputy Principal).

In its policies, practices and activities, St. Margaret's N.S. will adhere to the following principles of best practice in child protection and welfare: 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.

## **Role of the Board of Management**

It is the responsibility of the Board of Management:

1. To have clear procedures for dealing with allegations or suspicions of child abuse.
2. To appoint a Designated Liaison Person (DLP) and a Deputy Designated Liaison Person (DDLDP).
3. To ensure the curriculum contributes to the prevention of child abuse.
4. To provide or access in-service training for teachers and members of the BOM.
5. To have clear written procedures in place concerning action to be taken where allegations are received against school employees.
6. The BOM must carry out a review of the Child Protection Policy each year (Appendix 2 Child Protection Procedures for Primary and Post-Primary schools there is a checklist for the annual review.

School personnel must be informed it has taken place.

A written notification must be sent to the Parents Association that it has taken place and a record of the review and its outcome must be kept and shall be made available to the Patron and the Department if requested.

Principal's report to the BOM.

At each Board of Management meeting the principal's report shall:

- (a) State the number of reports made to the HSE by the DLP, since the last Board of Management meeting and
- (b) State the number of cases, since the last board meeting, where the DLP sought advice from the HSE and as a result of this advice, no report was made, or
- (c) Where there were no such cases at (a) or (b) above, state this fact.

The minutes of the Board of Management meeting shall record the above.  
Note: The principal's report shall state only the number of cases at (a) and (b) and shall not include any other details of these cases. (Page 19 Child Protection Procedures for Primary and Post-Primary Schools)

Allegations or suspicions of child abuse regarding school employees are dealt with in Chapter 5 of the Child Protection Procedures for Primary and Post-Primary schools, from Page 30 on.

## **Role of the Designated Liaison Person (DLP)**

- a. The DLP acts as a liaison with outside agencies, H.S.E., Gardaí and other parties with child protection concerns.
- b. The DLP will inform all school personnel of the availability of the Children First Guidelines in the school and on the school website. S/he will photocopy and circulate to all staff Chapters 2 & 3 & Appendix 1 of these guidelines and advise on good practice.
- c. The DLP will be available to staff for consultation regarding suspicions or disclosures of abuse. S/he will keep records of these consultations.
- d. The DLP will seek advice from the H.S.E.
- e. The DLP will report suspicions and allegations of child abuse to the Health Board or/ and Garda Síochána based on this advice.
- f. The DLP will maintain proper records in a secure, confidential manner and in a secure location.
- g. The DLP will keep up to date on current developments regarding child protection.

### **Guidelines for the DLP in handling reported concerns and disclosures**

- a. Where the DLP/Deputy DLP have concerns about a child, but are not sure whether to report the matter to the H.S.E, they should seek appropriate advice. To do this the DLP/Deputy should make informal contact with the assigned (on duty) Social Worker. The DLP/Deputy in this case, should be explicit that s/he is requesting advice and not making a report. If advised to report the matter, the DLP will act on that advice.
- b. A report will then be made to the H.S.E. by the DLP/Deputy in person, by telephone or in writing. In the event of an emergency or non-availability of H.S.E. staff, the report should be made to the Gardaí. The DLP should also report the matter to the Chairperson of the BOM, who should then follow the procedures as outlined in Chapter 3 of Children First – National Guidance for the Protection and Welfare of Children.
- c. A standard reporting form is completed by the DLP/Deputy as comprehensively as possible. c/f Appendix 3 Children First – National Guidance for the Protection and Welfare of Children.
- d. Parents/guardians will normally be informed that a report is being made. It may be decided that informing the parent/carer is likely to endanger the child or place the child at further risk. The decision not to inform the parent/carer should be briefly recorded together with the reasons for not doing so.
- e. When the allegation is against the DLP, the Chairperson then assumes responsibility for reporting the matter to the H.S.E. and filling in the standard reporting form.

- f. Where there are allegations or suspicions of Peer Abuse the DLP will follow the same procedures.
- Parents of all parties will be notified and the DLP will inform the Chairperson.
  - Principal and class teachers will make arrangements to meet separately with all parents, to resolve the matter.
  - The school will make arrangements to minimise the possibility of the abusive behaviour recurring.
- g. All St. Margaret's N.S. staff should familiarise themselves with the 'Children First – National Guidance for the Protection and Welfare of Children' section on Peer Abuse (Section 9) with particular reference to Bullying especially in relation to the school's Code of Behaviour and Anti-Bullying Policy.

## **Reporting**

In the event of receiving a complaint or suspicion re. an employee:

- i. The DLP will immediately inform the Chairperson.
- ii. S/He will seek a written statement of the allegation from the person/agency making the allegation. Parents/Guardians may make a statement on behalf of a child.
- iii. The DLP will seek advice from the relevant H.S.E. and will take responsibility for reporting, based on this advice.
- iv. If the DLP, following consultation with the H.S.E., decides that this matter is not for reporting, s/he must inform the Chairperson. They must then inform, in writing, the person or agency making the allegation, of the reasons for this decision. If this person or agency still has concerns, they are free to consult with or report to the relevant H.S.E. or Gardaí on an individual basis. The provisions of the Protection for Persons reporting Child Abuse Act 1998 apply, once they report reasonably and in good faith.
- v. If the DLP, following consultation with the H.S.E., decides that this matter is for reporting s/he should inform the Chairperson, who should proceed in accordance with the procedures in 'Children First – National Guidance for the Protection and Welfare of Children' – Appendix 9, p. 93.
- vi. The DLP/Deputy DLP completes a standard reporting form as comprehensively as is possible.
- vii. When the Chairperson becomes aware of an allegation of abuse s/he will always seek legal advice and base his/her response on this advice.
- viii. S/he will privately inform the employee of the fact and nature of the allegation and whether or not it has been reported by the DLP to the H.S.E. (Refer to 'Children First – National Guidance for the Protection and Welfare of Children' – Appendix 9, p. 93.
- ix. The chairperson has a duty to afford the employee fairness and due process – s/he is entitled to details and a copy of the written

allegation, to advice and representation and an opportunity to respond to the Board within a week .

## **B. Responding**

- i. When the Chairperson becomes aware of an allegation of abuse s/he will always seek legal advice and base his/her response on this advice.
- ii. The Chairperson will consider whether there is any risk to pupils' safety. If the Chairperson considers that there is a risk – s/he may require the employee to take immediate administrative leave. If unsure the chairperson will consult with the Health Board/Gardaí.
- iii. If administrative leave has been invoked, the Chairperson will inform the DES. The H.S.E. (in some cases the Gardaí) may also be notified in accordance with legal advice received.
- iv. Once it is deemed necessary by the DLP and Chairperson to make a report (after receiving advice from the H.S.E.) the Chairperson will convene and inform a meeting of the BOM as soon as possible.
- v. Where the alleged abuse has taken place within the school, or relates to the abuse of pupils of the school, by school employees outside of school time, the BOM will investigate the matter. They will convene a further meeting, once the relevant information has been gathered. At this meeting the BOM will consider in detail
  - the allegations made and their source,
  - the advice given by relevant authorities
  - and the written responses of the employee.
- vi. At this meeting also
  - the person/agency who is alleging abuse by the school employee should be offered an opportunity to present his/her case to the BOM and may be accompanied by another person
  - Parents/guardians may act on behalf of child.
  - The employee should also be afforded an opportunity to present their case and may also be accompanied.
- vii. The BOM must deal with the matter sensitively and the employee must be fairly treated.
- viii. The BOM will make a decision on action, if any, based on their investigation and will inform the employee of this in writing. They will also inform the DES of the outcome, if the employee has been absent on administrative leave.
- ix. Where it is not possible for the BOM to conduct an enquiry into allegations (e.g. where abuse has occurred in past employment, or where the employee is undergoing investigation by relevant authorities), the Chairperson will act on advice of authorities. The Chairperson will maintain close contact with the Health Board and receive reports and records from them where appropriate.

## **Role of the Staff Member (to include Teachers, SNA's, Secretary , Cleaners, Caretakers etc.)**

There is an obligation on schools to provide the pupils with the highest possible standard of care in order to promote their wellbeing and protect them from harm. All school personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in the pupils.

### **a. It is the responsibility of all teachers and staff members to familiarise themselves with the 'Children First – National Guidance for the Protection and Welfare of Children' especially**

- Chapter 2            Definition & Recognition of Child Abuse
- Chapter 3            Basis for Reporting & Standard Reporting Procedures
- Appendix 1        Signs and Symptoms of Child Abuse.

Children First Guidelines are available in the school office.

### **b. Guidelines for teachers and staff members in handling...**

#### **1. Disclosures from children**

a. *Where a child discloses alleged abuse to a staff member, the person receiving that information should listen carefully and supportively. Great care must be taken not to damage the child's trust. This should not be a formal interview. The following advice is offered:*

- Listen to the child.
- 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.
- Confidentiality should not be assured - explain that further help may have to be sought.
- Record the discussion accurately noting
  - *What, where and when?*
  - *Descriptions and possible sketches of physical injuries.*
  - *Explanations of injuries using direct quotations if appropriate.*
  - *Records should be signed and dated.*

- All records created are highly confidential and are retained in a separate file “Child Protection Issues” by the DLP in the locked filing cabinet in the lock-up. Access to the file is restricted to the DLP.
- b. *The staff member should obtain only necessary relevant facts. It is not the responsibility of school personnel to investigate allegations of abuse.*
  - c. *The DLP should then be informed and given relevant records.*
  - d. *If the suspected abuser is the DLP then the suspicion and any records will be passed on to the Chairperson who will proceed as per guidelines.*

## **2. Suspicions of Abuse:**

- a. *Staff members who suspect abuse should refer to ‘Children First – National Guidance for the Protection and Welfare of Children’ - Dept. of Children and Youth Affairs, Dublin, 2011 especially*
  - Chapter 2           Definition & Recognition of Child Abuse
  - Chapter 3           Basis for Reporting & Standard Reporting Procedures
  - Appendix 1        Signs and Symptoms Of Child Abuse.
  - Appendix 3        Standard Report Form
- b. Staff members should observe and record over time the dates/signs/symptoms/behaviour causing them concern.
- c. They should inform the DLP and pass on all records.

It is possible that staff members may subsequently be invited to attend a child protection conference by the H.S.E. Information on guidelines on child protection conferences are on Chapter 4.5 page 26 of the Child Protection Procedures for primary and post-primary schools.

## **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 H.S.E. 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.

It is not the responsibility of the school staff 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.

In emergency situations, where the H.S.E. cannot be contacted, and the child appears to be at immediate and serious risk, An Garda Síochána should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending health board intervention.

## **Protection for Persons Reporting Child Abuse**

The main provisions of the protection for persons reporting child abuse are:

1. To provide immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of the H.S.E or any member of An Garda Síochána.
2. The provision of significant protections for employees who report abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal.
3. The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to appropriate authorities "knowing the statement to be false".

## **Qualified Privilege**

While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. the H.S.E. 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 or neglect to the DLP or the Chairperson of the Board of Management of St. Margaret's N.S., such communication would be regarded under Common Law as having qualified privilege.

A further definition of qualified privilege is outlined in Section 1.11.2 and 1.11.3, page 11 of Child Protection – Guidelines and Procedures.

## **Freedom of Information Act 1997 and 2003 and Data Protection Acts 1988 and 2003.**

Reports made to the H.S.E. may be subject to provisions of the Freedom of Information Acts 1997, 2003 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.

## **Peer Abuse**

It is important that sexualised behaviour between pupils is not ignored and, as appropriate certain cases should be referred to the health board. However, it is also very important that the different types of behaviour are clearly identified and that no pupil is wrongly labelled 'a child abuser' without a clear analysis of the particular behaviour. Chapter 9 of the National Guidelines, page 60 outlines four different categories of behaviour. **It is essential that all school personnel consult chapter 11 where they have concerns regarding peer abuse.**

In a situation where child abuse is alleged to have been carried out by another child, the reporting procedures outlined above should be followed.

Sexualised behaviour between children is inappropriate and must be taken seriously. Separate meetings with the parents of all the children involved in such behaviour should be arranged with a view to resolving the situation. It may also indicate that the situation requires assessment by the health board. Early referral is therefore essential.

## **Bullying**

Bullying is defined as repeated aggression, be it verbal, psychological or physical which is conducted by an individual or group against others.

Procedures dealing with bullying are recorded in the Code of Behaviour Policy and the Anti Bullying Policy.

The Stay Safe Programme must be fully implemented.

## **Elements of Good Practice**

The following is a list of school policies, practices and activities that are particular to child protection.

### **Parental Consent**

1. Written parental consent must be obtained from parents or guardians at the start of each school year for participation by pupils in events and activities. Text will be sent to parents prior to each event.
2. Establish from the parents/guardians whether the child has any specific medical or dietary requirements or special needs.

### **Supervision**

1. Adequate and appropriate supervision must be provided in relation to all events and activities organised for the pupils both in and out of school.

2. A rota is displayed in the staff room for yard supervision at break and lunchtime. Children are supervised from 9.00 a.m. onwards.
3. Keep appropriate records of all pupils participating in activities.

### **General Conduct**

1. Procedures for dealing with bullying are recorded in the Code of Behaviour Policy and the Anti-Bullying Policy.
2. The Code of Behaviour also covers the issue of the appropriate response to disruptive behaviour.
3. Do not engage in or tolerate any behaviour – verbal, psychological or physical – that could be construed as bullying.
4. Develop a clear and transparent complaints procedure.

### **Health & Safety**

1. Ensure that the facilities used for events and activities are suitable, safe and secure.
2. Ensure that every activity is insured.
3. Where transport needs to be provided, make sure that drivers and vehicles meet legal requirements.
4. Accidents will be noted in our incident book.
5. Parents will be phoned if needed following a toileting accident otherwise the child changes themselves.

### **Children Travelling in Staff Cars**

Teachers will not carry a child on his/her own in their cars at any time, unless dealing with emergency situations in school.

### **Attendance**

School attendance will be monitored as per guidance from NEWB. With regard to child protection we will pay particular attention to trends in non-attendance.

### **Mobile Phones**

Children are not allowed to bring mobile phones to school.

### **Physical Integrity**

1. Respect the physical integrity of the pupils.

### **Privacy**

1. Care should be taken to ensure that the privacy of the pupils is respected at all times. Particular care must be taken with respect to places such as toilets and changing areas. Separate provision must be made for boys and girls.

The Board will ensure that the necessary policies, protocols or practices as appropriate are in place in respect of each of the above listed items.

This policy has been made available to school personnel and the Parent Association and is readily accessible to parents on request. A copy of this policy is stored in the office and will also be made available to the Department and the Patron if requested.

This policy will be reviewed by the Board of the Management once in every school year (Appendix 2 Child Protection Procedures for primary and post primary schools).

This policy was adopted by the Board of Management on:

\_\_\_\_\_ 2016

Signed: \_\_\_\_\_  
Chairperson of Board of Management

Signed: \_\_\_\_\_  
Principal

Date: \_\_\_\_\_ 2016

Date: \_\_\_\_\_ 2016

Date of next review: \_\_\_\_\_ 2017