

CHILD PROTECTION POLICY

Presentation Primary School, Kilkenny

Scope

This Policy applies to all the pupils in our care, all of our staff and all who are invited to work with our pupils from time to time.

There are different types of child abuse: neglect, emotional, physical and sexual.

Bullying is a specific type of abuse and is not tolerated in the school. (The school has a separate anti-bullying policy).

Mission Statement:

Imbued with the Presentation spirit, we promote the dignity of all our pupils by educating them in a caring Christian environment, nurturing and encouraging a sense of self worth, respect for themselves and others and an appreciation of a good work ethic, thus fostering their spiritual, emotional and academic development.

The Ethos of the School

The school recognises the central role of the family as the primary educator of the child. The school also accepts and supports the constitutional right and duty of the parents to provide for the religious, moral, intellectual, physical and social education of their children.

The school aims to provide the best possible environment to cater for the cultural, educational, moral, physical, social needs of all students, with the resources available to us. The focus of the school philosophy is the education of the whole child to reach his/her full potential. We show special concern for the disadvantaged, respecting the dignity and uniqueness of each person. Conscious of the legacy of Nano Nagle, our school upholds the values and principles of a Christian education in the Catholic tradition. Working together as a school community, the Board of Management, Principal, Staff, Parents and pupils will strive to provide an environment, which will allow all students to develop to their maximum potential and fulfil their role in society.

Rationale

The school owes a clear duty of care to protect the children within the community of the school. All staff must be alert to the possibility of child abuse and alert to their obligation to report reasonable concerns or suspicions to the appropriate authorities. This document sets out the obligations of all concerned and the reporting procedures to be followed.

Legal Framework

- . Children First (National Guidelines for the Protection and Welfare of Children 1999, Department of Health and Children).
- . Good Practice Guidelines and Procedures (Department of Education & Science)
- . Protection for Persons Reporting Child Abuse Act, 1998.
- . Freedom of Information Act, 1997.

Goals

To set out appropriate channels of communication and procedures that will ensure that:

- . All suspicions/allegations of child abuse are reported to the appropriate authorities.
- . All suspicions/allegations of child abuse are handled appropriately, sensitively and effectively.
- . Staff are kept sufficiently informed about child abuse to ensure vigilance.
- . There is a clearly understood code of behaviour for staff and volunteers.
- . There is effective management of staff and volunteers through supervision, support and training.
- . There is appropriate recruitment and selection of staff and volunteers
- . There is an effective child protection policy in place and implemented.

Content – Child Protection Procedures

Section 1 – Overview

Definition of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional, physical,

sexual. A child may be subjected to more than one form of abuse at any given time. In some cases of abuse the alleged perpetrator will also be a child. In these situations the Child Protection Procedures should be adhered to for both the victim and the alleged abuser. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

Designated Liaison Person (DLP)

The Board of Management will designate the Principal, or in her/his absence the Deputy Principal, as the Designated Liaison Person (DLP) for the school in all dealings with the Garda Siochana and H.S.E. and other parties, in connection with allegations or suspicions of child abuse.

Confidentiality

All information regarding concerns of possible child abuse will be shared on a "need to know" basis in the interests of the young person. 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 that information, for the protection of a young person who may have been, or has been abused, is not a breach of confidentiality.

Parents / Guardians

A Designated Liaison Person who is submitting a report to the HSE or An Garda Siochana should inform a parent/guardian, unless doing so is likely to endanger the child or young person or place the child or young person 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. In some cases this could be counter-productive. It is a matter for the HSE to investigate suspected abuse and determine what action to take, including informing An Garda Siochana. Under no circumstances should any individual member of staff attempt to confront an alleged abuser.

Cases of Emergency

Where a child appears to be in immediate and serious risk, and it is not possible to make contact with the HSE, An Garda Siochana should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending HSE intervention.

Anonymous Complaint

The Principal should consider carefully whether the allegation may have substance. The impetus for action should be the potential risk to children. If the Principal believes that the allegation may have substance, she/he should ensure that it is referred immediately to the HSE or An Garda Síochána as appropriate. If she/he is unsure, advice should be sought from the HSE. If a referral is made, the procedures for reporting should be followed.

Record Keeping

In all situations, including those in which the cause of concern arises from a disclosure made in confidence, it is extremely important to record, as soon as possible after the incident has taken place, the details of an allegation or reported incident, regardless of whether or not a referral is subsequently made to a statutory agency. Any reports/completed forms should be stored in a safe and secure location. It is possible that school personnel may subsequently be invited to attend a child protection conference by the HSE. When an individual makes a report to the statutory authorities, the possibility always exists that she/he may be called to give evidence should legal action be taken. It is therefore important to record details of disclosure and any other relevant information that may have been heard and seen.

Section 2 – Procedures for reporting suspicions or allegations of abuse

Step 1: **What a teacher or other school employee should do:**

If a school employee receives an allegation or has a suspicion that a pupil is being abused the school employee should, in the first instance, report the matter to the Designated Liaison Person in the school. If the suspicion or allegation concerns the DLP, the teacher or employee should report the matter to the Chairperson of the Board of Management.

Where a young person confides in a member of staff about an allegation of child abuse great care must be taken not to damage the trust placed in them by the young person. Great tact and sensitivity will be required in responding to such a disclosure. The young person should be advised that the matter will be handled sensitively but that other adults will have to be informed in order to ensure their welfare. The need for confidentiality must be kept in mind at all times. Do not investigate.

Step 2: What the Designated Liaison Person, usually the Principal, should do:

If the school employee (who reported a suspicion or allegation to the DLP) and the DLP are satisfied that there are reasonable grounds for the suspicion or allegation the DLP should report the matter immediately to:

- . The relevant HSE (to the duty social worker in person, by phone or in writing, in an emergency and non-availability of HSE, contact An Garda Siochana).
(Use the Standard Report Form)
- . The Chairperson of the Board of Management
- . The Trustees (normally through the Education Office)

School staff should remember that it is not their responsibility to make enquiries of parents or guardians (appendix 5C). It is a matter for the H.S.E. to investigate suspected abuse and determine what action to take, including informing An Garda Siochana.

Reasonable Grounds for Concern

The HSE should always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been or is being abused or is at risk of abuse. The National Guidelines for the Protection and Welfare of Children, *Children First*, give the following examples as constituting grounds for concern:

- (a) Specific indication from the child that she/he was abused.
- (b) An account by a person who saw the child being abused.
- (c) Evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused another way.
- (d) An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse.
- (d) Consistent indications, over a period of time, that a child is suffering from emotional or physical neglect.

Step 3: **Role of the H.S.E. / An Garda Siochana**

Once an allegation of child abuse has been reported to the H.S.E. (or An Garda Siochana), it is then a matter for the H.S.E. (or An Garda Siochana) to decide upon the action, if any, which is necessitated by that report. The response of the H.S.E. may be to call a child protection conference for the co-ordination of information from all relevant sources. Individuals who refer or discuss their concerns about the care and protection of children with H.S.E. staff should be informed of the likely steps to be taken by the professionals involved. H.S.E. staff have a responsibility to inform persons reporting alleged child abuse and other involved professionals of the outcome of any enquiry or investigation into that reported concern.

Section 3 – Procedures for dealing with an employee of the school who is suspected of abusing or alleged to have abused a child:

In general, the same person should not have responsibility for dealing with the reporting of such an allegation to the appropriate authorities (HSE or An Garda Siochana) and with the employment issues:

- . The DLP will be responsible for reporting the matter to the HSE and
- . The Chairperson of the Board of Management, acting in consultation with her/his Board of Management, will be responsible for addressing the employment issues.
- . Where an allegation of abuse is against the DLP, the Chairperson will assume responsibility for reporting the matter to the HSE also.
- . Legal advice should always be sought.

The most important consideration to be taken into account by a Board of Management is the protection of children, and their safety and well-being must be a priority. However, because of the involvement of school employees, the Board of Management has duties in respect of them as well. The guidelines are designed to have due regard to the rights and interests of the pupils under the care of the Board of Management and those of an employee against whom an allegation is made. Any allegation of abuse should be dealt with sensitively and the employee fairly treated. This includes the right not to be judged in advance of a full and fair enquiry.

Employee Support

The school employee may need support pending investigation and resolution of the matter. The employee should be advised to seek help from external services e.g. union and / or legal advice.

Legal Advice

The Board should seek legal advice when dealing with an employee against whom a suspicion has been raised or an allegation of abuse made.

Reporting Procedure

Where an allegation of abuse is made against a school employee, the DLP (or Chairperson, if the allegation is against the Principal/DLP) within the school should immediately act in accordance with the reporting procedures set out in previous section.

A written statement of the allegation should be sought from the person/agency making the allegation (Parents/guardians may make a statement on behalf of the child). Whether or not the matter is being reported to the HSE the DLP should always inform the Chairperson of the Board of Management and the Trustees of the allegation.

Action to be taken by the Chairperson

It is essential that the matter be treated in the strictest confidence and that the identity of the employee should not be disclosed until such time as the employee has been offered the opportunity to address and/or be represented to the Board of Management.

The first priority should be to ensure that no child is exposed to unnecessary risk.

Where the Chairperson of a Board of Management becomes aware of an allegation of abuse against a school employee (including the Principal) the Chairperson should:

- . Maintain strict confidentiality.
- . Ensure that the principles of due process and natural justice are adhered to at all times.
- . Convene an immediate meeting of the Board of Management.
- . Privately inform the employee of the following:
 - (a) The fact that an allegation has been made against him/her.
 - (b) The nature of the allegation
 - (c) Whether or not the matter has been reported to the appropriate H.S.E. by the Designated Liaison Person (or the Chairperson).

- . Give the employee a copy of the written record and / or allegation and any other related documentation while ensuring that appropriate measures are in place to protect the child.
- . Once the matter has been reported to the H.S.E., afford the employee an opportunity to respond to the allegation in writing to the Board of Management within a specified period of time.
- . Inform the employee that his/her explanation to the Board of Management will also have to be passed on to the H.S.E..
- . Consult with the Child Care Manager of the local H.S.E. and / or Garda Siochana for advice if unsure as to whether the nature of the allegations warrants the absence of the employee from the school while the matter is being investigated and have due regard to the advice offered.
- . Direct that the employee absent him / herself from the school with immediate effect if in the opinion of the Board of Management the nature of the allegation warrants immediate actions.
- . Where the Board of Management has directed an employee to absent him/ herself from the school, contact D.E.S. immediately to seek:
 - (a) formal approval for paid leave of absence of the school employee,
 - (b) departmental sanction for the employment of a substitute teacher..
- . Inform the Trustees.
- . Inform, in confidence, the pupil or parent making the allegation of the leave of absence.
- . Ensure that any follow-up action required accords with established grievance and disciplinary procedures and is only made following consultation with the H.S.E. (and An Garda Siochana if involved).
- . Maintain close liaison with the H.S.E. or An Garda Siochana to ensure that actions taken do not undermine or frustrate any investigations being conducted by them.
- . Inform D.E.S. and Trustees of the outcome.

Action to be taken by the Board of Management

Initial Meeting to hear about the allegation(s)

Whether or not the employee is absent from the school on administrative leave, it is necessary for the Chairperson to inform the Board of Management immediately of the matter. An immediate meeting of the Board should be convened for this purpose and Board members should be informed of the nature of the allegation(s), the action to be taken in respect of same and the outcome of any consultations with the HSE and / or An Garda Siochana. Members of the Board of Management should be reminded of their

serious responsibilities to maintain strict confidentiality about all matters relating to the issue. The principles of due process and natural justice should be adhered to by the Board.

In certain situations, it might not be possible for the Board of Management to reach any definitive conclusions as to whether the alleged abuse actually occurred. Such a situation could occur where allegations of abuse relate to the past employment of the school employee and where these allegations are being investigated by either the HSE or An Garda Síochána. In such cases, it may not prove possible for the Board of Management to conduct any proper inquiry into the allegations. In these cases, the Chairperson of the Board of Management should maintain regular and close liaison with those authorities and a decision on the position of the school employee should be taken having due regard for the advice given to the Board of Management by those authorities. If a decision is taken that the school employee should take administrative leave of absence, the following should be informed immediately – the Department of Education and Science, the Trustees and (in strict confidence) the parent/guardian of the pupil who made the allegation.

Where an allegation is made by a third party, against a former staff member, the Board of Management should write to the H.S.E., without giving identifying details, seeking advice on how to proceed. In both cases, a written record should be kept of the nature of the allegation, advice sought, actions taken and outcome.

Subsequent Meeting to consider the allegation(s)

Where the alleged abuse has taken place within the school, or related to abuse of pupils of the school by school employees outside of school time, the Board of Management should convene a further meeting to consider in detail the allegations which have been made against the school employee and the source of those allegations, the advice of the HSE and / or An Garda Síochána in relation to the allegation(s) and the written response of the employee to the allegation(s).

At this meeting, the person/agency who is alleging abuse by the school employee should be offered an opportunity to present his/her case to the Board and may be accompanied by another person in doing so. Parents/guardians may act on behalf of a child. Likewise the employee should be afforded an opportunity to make a presentation of his/her case to the Board and may be accompanied by another person.

Having followed the procedures outlined above, and having satisfied itself that it has sufficient information to make a determination in relation to the allegation, the Board should then make a decision on the action, if any, it considers necessary to take in respect of the employee. The Department of Education and Science should be informed of the outcome where the school employee has been absent on administrative leave.

Outcome of disciplinary investigation

At the end of the investigation, a meeting will be arranged to inform the employee of the next steps. The employee may be accompanied or represented by a friend or an organisation representative.

If the outcome is a disciplinary charge, further action will be in accordance with the school's disciplinary procedures, and will happen after the child protection enquiries.

If the employee has been suspended and it is not intended to proceed with any form of disciplinary action or to dismiss, the suspension should be lifted immediately by the appropriate body. The Principal should meet the employee to discuss the person's return to work.

Where no further action is being taken

Principal (or Chairperson as appropriate) should place a brief record on file indicating the nature of the complaint, when, by whom and to whom it was made and a short explanation why it was considered that no further action should be taken. Include copies of any correspondence on the complaint.

Where further action is being taken

Where the Principal (or Chairperson as appropriate) decides that a formal complaint is necessary, it is his/her responsibility to ensure that the following are notified immediately

- . Chairperson of the Board of Management
- . Duty Social Worker of local H.S.E.
- . The Trustees

A detailed written record of the complaint, advice sought, decisions taken, correspondence etc. should be made, dated, signed and retained on file.

Summary of responsibilities of Board of Management

- . Have clear written procedures for all staff to follow.
- . Appoint a DLP (Principal).
- . Monitor the progress of children at risk.
- . Promote in-service training.
- . Have clear written procedures in place on actions to be taken where allegations.

are received against employees.

Communicate guidelines, policy and procedures. Follow the guidelines, policy and procedures.

Signed: _____ Date: _____
Chairperson Board of Management

Signed: _____ Date: _____
Principal