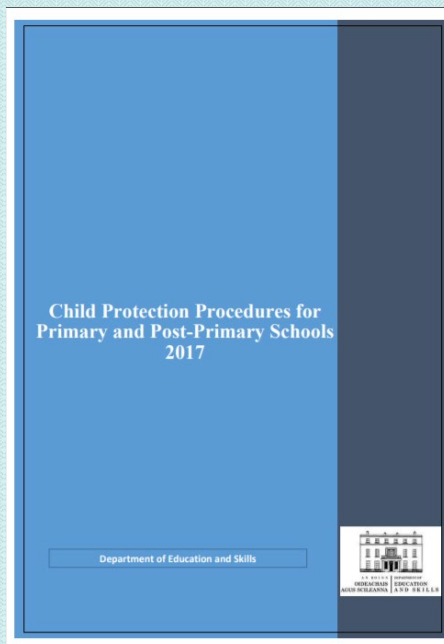


# Child Protection Information for BoM



**Suzanne Graham**  
Health & Wellbeing  
Advisor



# Employee Assistance Scheme (EAS)

Inspire Workplaces (formerly Carecall Wellbeing)



**1800 817 433**



**[www.inspirewellbeing.org](http://www.inspirewellbeing.org)**

# Aims of the Seminar



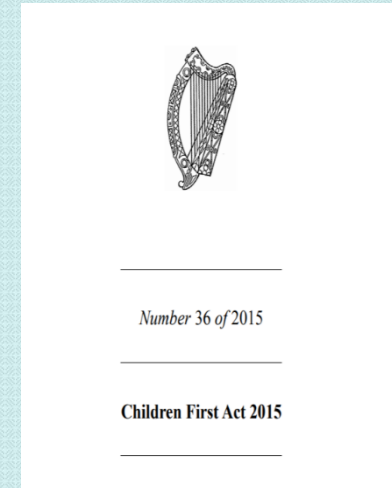
To give participants an overview of new requirements and obligations with regard to Children First 2017 and Child Protection Procedures for Primary and Post-Primary Schools 2017

# Children First Act 2015



This Act has placed certain statutory obligation on certain professionals, including registered teachers, who are referred to as mandated persons in the Act.

A statutory obligation is an obligation imposed by legislation.



Fully  
commenced on  
11<sup>th</sup> December  
2017

# Children First National Guidance 2017



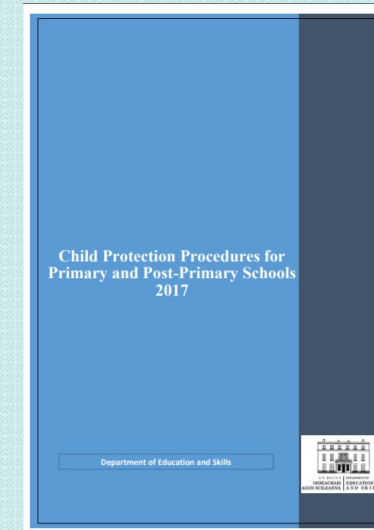
The Children First  
Act 2015 operates  
side by side with  
the Children First  
National Guidance  
2017



# DES Child Protection Procedures 2017



- DLPs and D/DLPs are required to follow the Department's Child Protection Procedures for Primary and Post Primary Schools 2017.
- School personnel in both primary and post primary schools are required to adhere to the 2017 procedures in dealing with allegations or suspicions of child abuse.



# Children First National Guidance 2017



“It is everyone’s responsibility to protect children and young people and to do our best to keep them safe...What we can do is work together to help make our children’s lives safer.”



Dr. Katherine Zappone, TD  
Minister for Children and Youth  
Affairs



# Whole School Approach



Schools are well placed to recognise wider child welfare issues that if addressed appropriately at an early stage can play a key role in the overall welfare and protection of children and in the prevention of child abuse and neglect.



## Best Practice



Children First National Guidance 2017 sets out the statutory obligations of the Act and also the best practice (non-statutory) obligations which continue to apply to all school personnel and to all schools.

- All school personnel must report all CP concerns to the DLP

1.3.1

# Statutory obligations

The Children First Act 2015 puts certain elements of the Children First National Guidance 2017 on a statutory footing including a statutory obligation on...

- **Schools** - to keep children safe from harm and to prepare and display a Child Safeguarding Statement
- **Mandated person** - to report child protection concerns at or above a defined threshold to Tusla.
- **Mandated persons** - to **assist** Tusla in the assessment of a child protection risk.

# Mandated persons



A mandated person means a person who is specified in schedule 2 of the Children First Act 2015 and includes all teachers registered with the Teaching Council.

# Mandated Assisting

Tusla may request a mandated person to...

- provide any necessary information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report
- supply further information over the phone, produce a verbal or written report or attend a meeting.

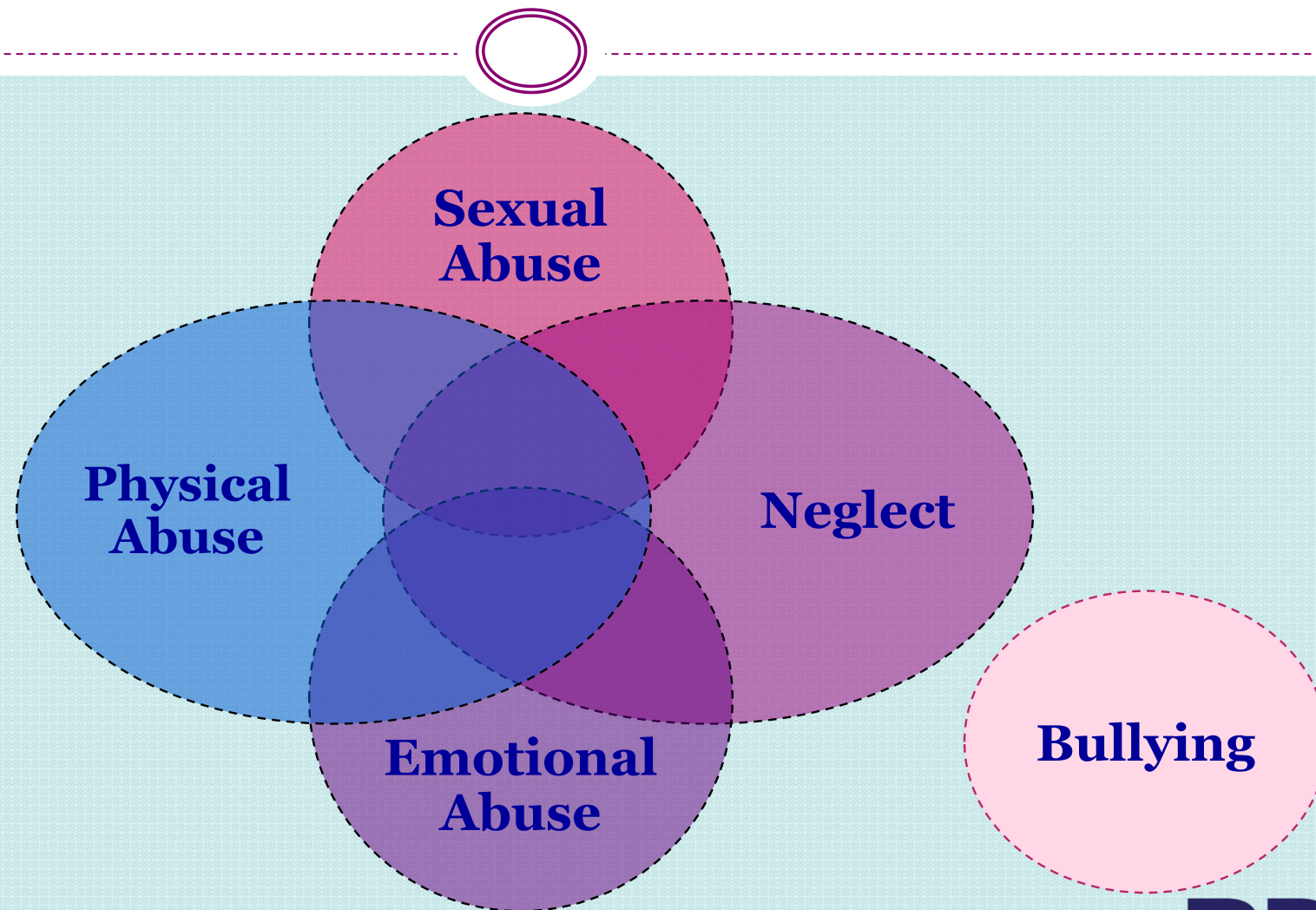
There is a **statutory** obligation on all mandated persons to comply.

# Child Abuse/Neglect



- While parents/guardians have primary responsibility for the care and protection of their children, personnel working with children also have clear responsibilities in this area
- CONSIDER THE POSSIBILITY
- LOOK OUT FOR SIGNS OF ABUSE/NEGLECT
- RECORD INFORMATION
- REPORT CONCERNS

# Definition and recognition of child abuse



## Types of Child Abuse (2.3)



- **Neglect occurs:**

When a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally.

- **Emotional Abuse:**

The systematic emotional or psychological ill-treatment of a child. Once off and occasional difficulties between parent/carer and child are not considered emotional abuse.

# Types of Child Abuse

- **Physical Abuse:**

Is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents.

- **Sexual Abuse occurs:**

When a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography.



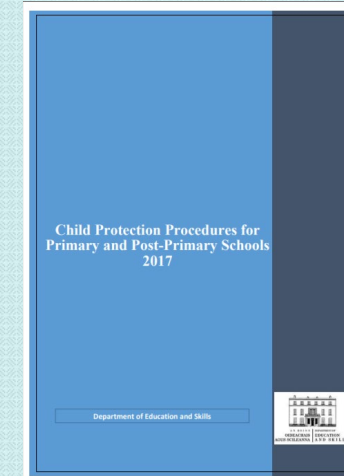
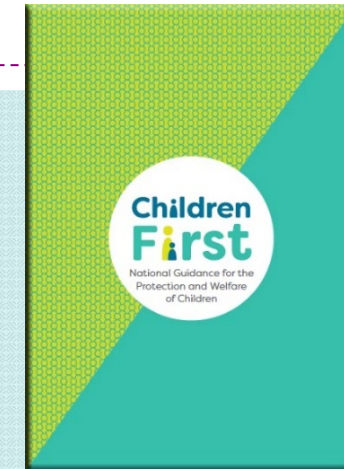
# Bullying (2.3.5)

## Children First National Guidance 2017

states that bullying can be defined as repeated aggression, whether it is

- verbal
- psychological
- physical

that is conducted by an individual or group against others.



# Circumstances that make children more vulnerable to abuse or neglect (2.3.5)

- Parent or Carer factors
- Child factors
- Community factors
- Environmental factors
- Poor motivation and willingness of parents/guardian to engage



## School Personnel

All school personnel are required to:

- Have a good understanding of the procedures
- Be aware of the possibility of abuse
- Know the signs and symptoms of abuse
- Know the limits of confidentiality and be able to explain these to students
- Record concerns/disclosures accurately and objectively
- Pass on concerns in writing to the DLP
- Be aware of the need for confidentiality with regard to Child Protection concerns/reports

## Designated Liaison Person (DLP)



If **any member** of school personnel, receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, he or she shall, without delay, report the matter to the DLP.

5.1.1

## Role of DLP (3.5)



DLP acts as a resource person to any member of school personnel who has a child protection concern and is responsible for...

- Ensuring the reporting requirements are followed correctly and promptly
- Record keeping
- Informing parents
- Notifying BoM of allegations against staff
- Communications with parents regarding allegations they make against staff
- Child Protection Oversight Report (CPOR)
- Dealing with Tusla, An Garda Síochána and other parties

## Deputy DLP (3.5.3)

It is the responsibility of the BoM to designate another member of the full time registered teaching staff as the deputy DLP. He or she...

- will normally be a deputy principal of the school.
- shall assume the responsibilities of the DLP, in the absence of the DLP.
- can access relevant records when required.

Name of DLP and DDLP shall be recorded in CSS

# Reporting concerns



What are the grounds for making a report?



# Reasonable grounds for concern (2.2)



- Evidence (e.g. injury or behaviour) that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

# When does it become a Mandated report?

When a mandated person/s deems it to be  
**at or above** the threshold of harm.....

## Threshold of Harm (4.3)

**Knows, believes** or has **reasonable grounds to suspect** that a child has been, is being or is at risk of being

Physically abused/assaulted  
Emotionally abused/ ill-treated  
Neglected

**Sexually abused- all sexual abuse must be submitted as a mandated report.**

to the extent that the child's health, **development** or **welfare** have been or are being **seriously affected** or are likely to be seriously affected

# 'Harm' means in relation to a child



- a) Assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or
- b) sexual abuse of the child

... whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise.”

**Children First Act, 2015, Section 11(1)(a)**

## Reporting: 'not at or above the threshold'

- DLP and the registered teacher must consider whether there are reasonable grounds for concern
- Where the DLP and the registered teacher are both satisfied that the concern is **not** at or above the threshold of harm for a mandated report but both consider that it constitutes reasonable grounds for concern, the **DLP** shall report the concern.

5.2.8

## Reporting: 'at or above the threshold'

- If the DLP and the registered teacher both agree that the concern is at or above the defined threshold of harm, the concern shall be submitted as a mandated report to Tusla **jointly** by the DLP and the registered teacher.

5.2.5

## Reporting: 'any remaining doubt'

- Where the DLP is **unsure** whether to report a concern, or whether a report should be submitted as a mandated report, the DLP shall **seek advice**.
- DLP shall inform the teacher that such advice is being sought and of the advice provided.
- Where either the DLP or the registered teacher has **any remaining doubt** as to whether the concern is at or above the threshold of harm, the DLP or the registered teacher (or both) shall submit the report.

## Where DLP decides not to report (5.2.10)



- DLP shall give the registered teacher a clear statement in writing as to the reasons why action is not being taken and a copy of that statement shall be retained by the DLP.
- DLP shall advise the registered teacher that it still remains open to that teacher to seek advice from Tusla.
- If the registered teacher decides to report the concern to Tusla, he or she shall provide a copy of that report to the DLP.



# Important note for registered teacher



Every registered teacher should note that...

- as a mandated person the statutory obligation to make a mandated report **rests with the individual teacher.**
- this applies regardless of whether or not the DLP reports the concern in question.
- a registered teacher who makes a mandated report **jointly** with the DLP meets his or her statutory obligation to report.

## Emergency Reporting (5.4..6)



- If a child appears to be at immediate and serious risk and it is not possible to make contact with Tusla, they should contact An Garda Síochána immediately.
- Where a mandated person believes or has reasonable grounds to suspect that a child may be at risk of **immediate harm**, he or she may make a report to Tusla other than by means of the Tusla Report Form.
- A Tusla Report Form must be submitted as soon as possible but not later than 3 days thereafter.

## Consequences of non-reporting (4.8)



While the Children First Act, 2015 does not impose criminal sanctions on mandated persons who fail to make a report, Children First National Guidance 2017 outlines possible consequences such as...

- Tusla may make a complaint about the registered teacher under the Fitness to Teach provisions
- Tusla may pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána.

# Record Keeping



- All records created shall be regarded as highly confidential and placed in a secure location.
- Child protection case files and any parties referenced in such files shall be assigned a unique code or serial number by the DLP.
- BoM ensure that arrangements are in place to ensure that the deputy DLP can access relevant records when required.

## Confidentiality (4.10.3)



Section 17 of the Children First Act 2015 makes it an offence for a person to disclose information to a third party which has been shared by Tusla during the course of an assessment arising from a mandated report unless Tusla has given written authorisation to the person to do so.

## Confidentiality (1.3.11)



- All information regarding concerns of possible child abuse or neglect should be shared only on a '**need to know**' basis in the interest of the child.
- The test is whether or not the person has any **legitimate involvement** or role in dealing with the issue.
- However, giving information to those who need to have that information, for the **protection of a child** is not in **breach** of confidentiality.

## Informing parents (5.3.6)

It is good practice to inform the parent/carer that a report concerning his or her child is being made and the reasons for the decision to make the report.

- Where a registered teacher is submitting a report to Tusla, the DLP, rather than the teacher concerned, shall assume the responsibility for informing the parent/carer.
- Where the DLP has any doubt as to whether to inform a parent/carer that a report is being made, the DLP shall seek the advice of Tusla.

# Informing parents

Children First National Guidance 2017 provides that it is not necessary to inform a parent/carer that a report is being made –

- if by doing so, the child will be placed at further risk **or**
- in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment **or**
- if the reporter is of the reasonable opinion that by doing so it may place the reporter at risk of harm from the family.



## When you seek advice from Tusla

- Tusla is required to provide such advice.
- DLP can request to discuss with a more senior member of Tusla
- DLP/registered teacher should be informed of the likely steps to be taken by the professionals involved
- Not always possible to keep DLP/registered teacher informed of progression or outcome
- All mandated reports shall receive a formal acknowledgement of receipt in writing

6.16

# Allegation against an employee



- Employee - all school personnel, includes unpaid volunteers
- Employer - Board of Management/ETB

School employees, other than the DLP, who receive allegations of abuse against another school employee, shall report the matter without delay to the DLP.

Chapter 7

# Allegation against an employee (7.3)



There are two procedures to be followed:

1. Reporting procedures in respect of the allegation - DLP
2. Procedure for dealing with employee - Employer

If allegation against DLP – Chairperson/CEO assumes DLP role

If allegation against BoM member – BoM inform Patron

**Priority – ensure no child is at unnecessary risk**

# Allegation against an employee



- If the DLP is satisfied that there are reasonable grounds for the suspicion, he or she shall report the matter to Tusla immediately.
- Whether or not the matter is being reported to Tusla, the DLP shall always inform the employer of an allegation of abuse against a school employee.

# Protocol Authorising Immediate Action - Appendix 3 (7.1.2)



Authority to direct an employee to immediately absent himself or herself from the school lies with...

- In Primary schools other than those under the patronage of an ETB - The Chairperson of the BoM
- **In Post-Primary schools and Primary schools under the patronage of an ETB - The School Principal**

# Protocol authorising immediate action (7.2.1)



- Employers must have in place a written protocol - Appendix 3
- This applies where the need for immediate action arises
- Action **must not be delayed**
- Action may also be triggered by the school being informed by Tusla or An Garda Síochána of a risk to children.

# Protocol authorising immediate action

- (a) Emergency meeting of the BoM (non ETB)  
**(ETB - principal informs CE of ETB)**
- (b) Tusla shall be informed
- (c) Where the Department is paymaster, the Department shall also immediately be contacted with regard to seeking the Department's:
  1. formal approval for continuation of pay
  2. sanction for the employment of a substitute teacher

7.2.3

## Child protection concern about a member of school personnel raised by a parent (5.6.1)



The DLP shall issue written notification to parent **within 10 school days** stating:

- The matter has been reported to Tusla **or**
- Tusla advice has been sought and a report was not made **or**
- The DLP determined the matter did not require a report.
- The parent may contact Tusla directly.
- Allegations of abuse shall not be dealt with under the school's parental complaints procedure.



# Timeframe



- Where a parent has not received the written notification from the DLP within the **10 school days**, the parent may raise the matter directly with the DLP.
- If the written notification is not received by the parent within **5 school days** of raising the matter with the DLP, the parent may notify the BoM in writing of this fact.
- In such circumstances, the BoM shall direct the DLP to ensure that a notification is issued to the parent within **10 school days** of the BoM receiving the parent's written notification.

# Additional reports to Tusla



Where a child transfers from or leaves a school, and where the DLP is aware that a child protection report has been made to Tusla, the DLP should **inform Tusla** of the child's transfer/move.

# Legal Framework



- The Children First Act 2015
- The Child Care Act 1991
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006 – Reckless Endangerment
- Criminal Law (Sexual Offences) Act 2017
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012
- National Vetting Persons (Children and Vulnerable Persons) Act 2012-2016

# Oversight



There is already a very strong culture of child protection across our schools. However, in the context of the new statutory obligations, it is essential that the oversight arrangements are strengthened so that they are as comprehensive and robust as possible.

## Two key areas of compliance (9.1.3)



These updated procedures have put in place new oversight measures to ensure that the **new statutory obligations** and the **best practice obligations** are being adhered to by both school personnel and by school authorities under these two key areas:

- Reporting obligations
- Child safeguarding obligations

# Oversight groups (9.1)



- School leadership
- Board of Management
- Role of the Patron
- Role of the DES
- The Department's Inspectorate
- The Child Protection Oversight Group
- The Management Board of the Department
- Role of Tusla
- Dept. of Children and Youth Affairs (DCYA)
- Children First Interdepartmental Implementation Group

# Oversight by School Leadership



As the DLP is normally the school principal, he or she will also be responsible for providing the principal's report to each BoM meeting.

This report must now include a **Child Protection Oversight Report (CPOR)**

9.2.2

# CPOR- information presented to BOM under 4 headings



- (1) Allegations of abuse made against members of school personnel
- (2) Other child protection concerns in respect of pupils in the school
- (3) Child protection concerns arising from alleged bullying behaviour amongst pupils
- (4) Summary data in respect of reporting

9.4-9.8



# Purpose of review of documents



- The purpose of this review is solely to **review whether**, based on the information available to the DLP and any Tusla advice available, **the relevant reporting requirements were followed.**

9.5.4

# Child Protection Oversight Report



- Records must be treated in the strictest confidence by all board members.
- Under no circumstances shall the board members enter into any discussion or investigation in relation to the substance or credibility of the allegation when undertaking this oversight role.

**They are to be reviewed solely for the purposes of oversight of the reporting requirements set out in these procedures.**

9.5.3 - 9.5.5

# Child Protection Oversight Report



- Board members must not disclose or discuss matters discussed at board meetings unless explicitly authorised by the board to do so.
- A board member who breaches this requirement may be removed from the board by the patron.
- The documents shall be provided to the board members at the board meeting and recovered after the matter has been dealt with.
- The documents shall not be separately circulated to or retained by any members of the board.

# 1. Allegations of abuse against members of school personnel (\*non ETB schools)

The **number of cases** since the last BoM meeting where..

(a) Reports were made to Tusla

(b) the DLP sought advice from Tusla and the matter was not reported based on this advice

(c) the DLP has not sought advice from Tusla and has not reported the matter

(d) the DLP did not report the matter in circumstances where Tusla has advised that it should be reported

(e) where there were no such cases, state this fact

## 2. Other child protection concerns in respect of pupils in the school

The **number of cases** since the last BoM meeting where

- a) a member of school personnel has submitted a report to Tusla in circumstances where the DLP has decided that the matter did not warrant reporting
- b) the DLP has sought advice and Tusla has advised that it should not be reported
- c) the DLP has sought advice and Tusla has advised that the matter should be reported but the DLP has not reported the matter
- d) where there are no such cases, state this fact

In respect of each case arising under No.2 CPOR, the board of management shall also be provided with and review the documents listed below: (redacted & anonymised)

1. Copies of all records and notes pertaining to how the allegation came to be known to the DLP
2. Copies of any records and notes pertaining to the seeking of Tusla advice in relation to the concern and to the advice given
3. Copies of any report submitted to Tusla by any member of school personnel in relation to the concern.
4. Copies of any other records of communications with Tusla, An Garda Síochána or any other party in relation to the allegation (including any acknowledgement of receipt of the report by Tusla)
5. Copies of any statements provided to a member of school personnel under section 5.3.8 of these procedures

### 3. Child protection concerns arising from alleged bullying behaviour amongst pupils

The **number of cases** since the last BoM meeting where

(a) the DLP has reported a concern about a child arising from alleged bullying behaviour amongst pupils

(b) the DLP has sought advice from Tusla as to whether to report a concern about a child arising from alleged bullying behaviour amongst pupils

(c) where there were no such cases, state this fact

In respect of each case arising under No.3 CPOR, the board of management shall also be provided with and review the documents listed below: (redacted & anonymised)

1. Copies of all records and notes pertaining to how the allegation came to be known to the DLP
2. Copies of any records and notes pertaining to the seeking of Tusla advice in relation to the concern and to the advice given
3. Copies of any report submitted to Tusla by any member of school personnel in relation to the concern.
4. Copies of any other records of communications with Tusla, An Garda Síochána or any other party in relation to the allegation (including any acknowledgement of receipt of the report by Tusla)
5. Copies of any statements provided to a member of school personnel under section 5.3.8 of these procedures



## (4) Summary data in respect of reporting

The **number of cases** where

1. a report was made, whether it was mandated and whether or not it concerned a member of staff
2. the DLP sought advice and as a result of this advice, no report was made and whether or not it concerned a member of staff
3. a member of staff made a report in relation to a matter that the DLP had considered did not require reporting and whether or not it concerned a member of staff
4. where there were no such cases, state this fact.

# Minutes of BoM with regard to Child Protection Concerns



- The minutes should specify the documents provided to the BoM
- Use unique identifying codes -no names or identifying features
- A copy of the CPOR could be attached to the minutes

9.6.3



## Role of BoM (9.3.1)



Good governance requires that the board of management can and does satisfy itself that the school has robust procedures in place to enable it to deal fully and properly with all child protection matters in the school in accordance with the Children First Act, 2015, the Children First National Guidance 2017 and DES procedures

# Oversight by the BoM



It is the responsibility of the BoM

- to ensure the procedures are fully implemented in accordance with legislation
- to implement the protocol authorising ‘immediate action’ and commence any disciplinary process when required (non ETB schools)

# Oversight by the BoM of the Child Safeguarding Statement Requirements

- Formally adopt the Child Safeguarding Statement following a risk assessment – minute same
- Satisfy itself and record in the relevant board minutes that each of the requirements for display, publication and circulation of the Statement have been met.
- Undertake annual review of CSS and minute same

# Safeguarding statement annual review



- the board of management must **seek feedback from parents** in relation to the school's compliance
- **the views of pupils** on the school's safeguarding arrangements should also be sought
- areas for **improvement identified** should be **addressed**
- Issue notification of the completed review to
  - Patron
  - Parents Association
  - School website

9.9.3

## Oversight role of the Patron (9.10)



The patron must be provided with a copy of the Child Safeguarding Statement and the notification regarding the annual review of same.

The BoM shall inform the patron where

- an allegation regarding a member of the BoM has been reported by the DLP (or employer) to Tusla. It is a matter for the patron to determine if any action is necessary regarding the member's continued role on the BoM.
- the BoM has not reported an allegation against an employee where advised by Tusla to do so.



## Oversight role of DES (9.12)



Developing and issuing Child Protection Procedures and supporting materials, and monitoring the full implementation of same at school level.

Represented by...

- **Schools Division**
- **Inspectorate**
- **Child Protection Oversight Group (CPOG)**
- **Management board of the Department**

# School Inspections (9.13.2)



The Inspectorate will use a range of inspection models to monitor and report on the implementation of these procedures in schools with a focus on:

- Specific aspects of a schools' provision, such as a subject inspection or a curriculum evaluation and incidental inspections.
- More than one dimension of the work of a school, such as a whole-school type evaluation eg. WSE, MML
- Intensive, full-scale inspections in a sample of schools i.e. a dedicated Child Protection and Safeguarding Inspection (CPSI).

## Oversight Role of Tusla (9.15)



- BoM is obliged to provide a copy of the school's Child Safeguarding Statement to Tusla when requested.
- Tusla may establish and maintain a register of non-compliance including any schools that fail to provide a copy of the Child Safeguarding Statement.

# Further support and information



- [www.pdst.ie/childprotection](http://www.pdst.ie/childprotection)
- PDST E-learning Programme for Mandated Persons
- [www.tusla.ie](http://www.tusla.ie)
- [www.education.ie](http://www.education.ie)

# School Culture

‘...the sheer normality, routine and safety of school may be powerfully therapeutic for a vulnerable child.’

‘School can be a refuge from neglectful or abusive home environments....the alertness of a school can protect a child from bullying and mistreatment.... Teachers can act as listeners, confidants and role models for children.....’

Gilligan, R., *Child & Family Social Work*, 1998



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Health and Wellbeing team. Professional Development Services for Teachers. Primary/Post-Primary health/wellbeing in the context of SPHE/PE/whole school approaches

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PDST\_HealthWellbeing @PDST\_Hwellbeing · Aug 23  
Wishing all Post Primary teachers heading back to school this week the best of luck for the year ahead @PDST\_Ireland



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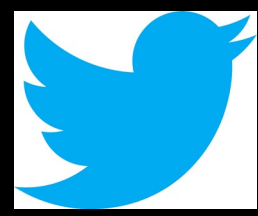
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# @PDST\_Hwellbeing





