

**OUR LADY QUEEN OF THE APOSTLES NATIONAL SCHOOL  
CLONBURRIS, CLONDALKIN , DUBLIN 22.**

***Child Safeguarding Statement***

***INTRODUCTION***

This policy document has been drawn up in response to recent changes in legislation. It further develops previous policy in this area and takes account of the provisions of the following legislation:

***The Education Act 1998***

***The Education Welfare Act 2000***

***The Protection of Persons Reporting Child Abuse Act 1993***

In all instances of suspicion or allegations of abuse or neglect, the following guidelines will be used as a reference:

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

The Children First: National Guidance is intended to assist people in identifying and reporting child abuse and neglect and deal effectively with concerns (2015).

Child Protection Procedures for Primary and Post – Primary Schools 2017.

***AIMS OF POLICY***

The aims of the Child Protection Policy are to:

- Create a safe, trusting, responsive and caring environment.
- Provide a personal safety skills education which specifically addresses abuse prevention for all children in the school.
- Develop awareness and responsibility in the area of child protection amongst the whole school community.
- Put in place guidance and procedures for good practice to protect all children and staff.
- Endeavour to safeguard the well being of the child and intervene when necessary to protect their rights
- Help staff recognise the signs of neglect or abuse
- Ensure that all staff members are aware of and familiar with the ‘Children First’ National Guidance for the Protection and Welfare of Children 2011.
- Ensure best practice in the recruitment of staff, to include Garda vetting.

## **PREVENTION**

The Stay Safe programme is the primary resource used in this school to provide education for children on abuse prevention. The programme is taught as part of the schools' SPHE curriculum under the strand unit Safety and Protection. On enrolment of their child parents will be informed that the Stay Safe programme is in use in the school and a copy of the Stay Safe 'A Parent's Guide' provided.

## **DEFINITION OF ABUSE**

Child abuse can be categorised into four different types:

Neglect

Emotional abuse

Physical abuse

Sexual abuse

### ***Definition of Neglect***

- Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults and / or medical care.
- Harm can be defined as the ill-treatment or the impairment of the health/development of a child. Whether it is significant is determined by the child's health and development compared to that which could reasonably be expected of a child of similar age.
- Neglect generally becomes apparent in different ways ***over a period of time*** rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.
- The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

### ***Definition of Emotional abuse***

Emotional abuse is normally to be found in the relationship between a care-giver and a child rather than in specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

### ***Definition of Physical abuse***

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

### ***Definition of Sexual abuse***

Sexual abuse occurs when a child is used by another person for his/her gratification or sexual arousal. Examples include exposure of the sexual organs or any sexual act intentionally performed in the presence of a child.

(cf p. 8-10 Children First: National Guidance for the Protection and Welfare of Children 2011).

## ***GUIDELINES FOR RECOGNISING CHILD NEGLECT OR ABUSE***

**1. *Considering the possibility*** – if a child appears to have suffered an inexplicable and suspicious injury, seems distressed without obvious reason, displays unusual behaviour problems or appears fearful in the company of parents/carers.

**2. *Looking out for signs of neglect or abuse***

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures.

### ***Responsibilities of school management***

It is the responsibility of the Board of Management to ensure that an annual review of the Child Safeguarding Statement is carried out using the designated checklist.

- (i) to have clear, written procedures, which teachers and other school staff must follow where they suspect, or are alerted to, possible child abuse or neglect, including where a child discloses abuse or neglect;
- (ii) to have clear written procedures in place concerning action to be taken where allegations are received against school employees
- (iii) to provide or access in-service training for teachers and members of the Board of Management to ensure that they have a good working knowledge of child protection issues and procedures;

Teachers are particularly well placed to observe and monitor children for signs of abuse and neglect.

***The following programmes are in place in our school to prevent child abuse***

- Social Personal and Health Education (SPHE), Stay Safe, Alive-O, Grow in Love, R.S.E.
- Self Esteem enhancement programmes/activities – circle-time, Incredible Years Programme, art therapy, after school clubs, summer clubs.
- Parental involvement; parents are made aware of programmes taught in school and also get feedback throughout the course of programmes e.g. Stay Safe and RSE worksheet completed in collaboration with parents.
- Information meetings for parents using guest speakers from Outside Agencies (Accord).
- Whole school climate and ethos is a child friendly, supportive environment, displaying children’s work/creativity, assemblies, adults modelling good behaviour, celebrating achievements, acknowledging effort and success.
- Staff development and in-service. The SPHE co-ordinator will inform staff of current practices and relevant in-service courses; staff in-service in school on related topics.

***EXISTING SCHOOL POLICIES***

The following school policies which compliment the Child Safeguarding Statement are already in place in the school:

- Substance Use Policy
- Code of Discipline and Behaviour and Anti-Bullying Policy
- Health and Safety Policy
- Healthy Lunch Policy
- RSE

***RESPONSIBILITIES OF SCHOOL STAFF IN HANDLING DISCLOSURES FROM CHILDREN***

If a child discloses to a teacher or to other school staff that he or she is being harmed by a parent/carer or any other person, the Child Safeguarding Statement checklist for school employees should be followed. All relevant staff have been

given a copy of this. An abused child is likely to be under severe emotional stress and staff members may be the only adult whom the child is prepared to trust. Great care should be taken not to damage that trust.

**However confidentiality must never be promised to a person making a disclosure** subject to the provisions of the Data Protection Acts. The requirement to report to the HSE Children and Family Services must be explained in a supportive manner. (cf. P.22 – 23 Children First: National Guidance for the Protection and Welfare of Children 2011).

### **DESIGNATED LIAISON PERSON(S) (DLP)**

The Principal, **John Murphy** will act as DLP following ratification by the Board of Management. The Deputy Liaison person is **Ciara Lanigan**.

The staff and management of this school have agreed:

- All concerns/disclosures involving child protection/child welfare issues will be reported in the first instance to the DLP (deputy DLP where appropriate).
- Each report to the DLP will be dated and signed by the person making that report.
- A strict adherence to maintaining confidentiality – information regarding concerns or disclosures of abuse should only be given on a ‘need to know’ basis.

The DLP has specific responsibility for reporting allegations or suspicions of child abuse to the HSE children and family services or to An Garda Siochana. All matters pertaining to the processing of investigation of child abuse should be done through the DLP.

Where the Designated Liaison Person is unavailable for whatever reason, arrangements should be in place for another nominated member of staff to assume his/her responsibilities i.e. the Deputy Designated Liaison Person.

The Designated Liaison Person, or his/her nominated replacement, should immediately inform the Chairperson of the Board of Management of the school that a report involving a pupil in the school has been submitted to the relevant health board.

### **Outline of Procedures to be followed by DLP:**

#### **Standard Reporting Procedure**

- Where a registered teacher has any such concerns, in addition to reporting it to the DLP, he or she must also consider whether the concern is at or above the **threshold** at which the teacher must make a mandated report.

Any person reporting a child abuse or neglect concern should do so without delay to the HSE/Tusla Children and Family Services. A report can be made in person, by telephone or in writing.

- Before deciding whether or not to make a formal report, the DLP may wish to discuss his or her concerns with a health professional or directly with the HSE/Tusla Children and Family Services.
- ***Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending HSE/Tusla intervention.*** In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with the HSE/Tusla, you should contact the Gardai. This may be done through any Garda station.
- The ***Standard Report Form for reporting child welfare and protection concerns to the HSE/Tusla*** should be used when reporting child protection and welfare concerns to the HSE/Tusla Children and Family Services. If a report is made by telephone, this form should be completed and forwarded subsequently to the HSE/Tusla.
- The HSE/Tusla will follow up on all referrals, even if the Standard Report Form has not been used.  
(cf. p14 3.4 – 3.45 Children First: National Guidance for the Protection and Welfare of Children 2011).

The HSE/Tusla and Family Services should always be informed when a person has ***reasonable grounds for concern*** that a child may have been, is being or is at risk of being abused or neglected.

The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:

- The safety and well-being of the child must take priority.
- Reports should be made without delay to the HSE/Tusla Children and Family Services.
- Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.
- Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of ***reckless endangerment of children***.

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child will be penalised (cf page 13 of Children First: National Guidance for the Protection and Welfare of Children 2011).

## **CONFIDENTIALITY**

All information regarding concerns of possible child abuse should be only shared on a need to know basis, in the interest of the child.

If neglect or abuse is suspected and acted upon, for example, by informing the HSE/Tusla children and Family Services, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available. (cf. Children First: National Guidance for the Protection and Welfare of Children 2011 page 11).

The DLP who is submitting a report to the Health Board or 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.

## **Legal Protection**

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.

A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege. The Act also provides sanctions for malicious/false allegations.

## **Qualified Privilege**

While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. Health Board 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 Chairperson of the Board of Management, such communication would be regarded under common law as having qualified privilege.

Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, acting in loco parentis, would be expected to act in the child's best interests and in making the report would be regarded as acting in such a manner. Privilege can be displaced only where it can be established that the person making the report acted maliciously.

Furthermore, those reporting a child's disclosure are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing a charge. If the DLP decides not to contact Health Board in relation to the case – the person who made the original report must be informed in writing. Continued monitoring of the child is recommended. Child Protection concerns that have been reported to the Health Board should be included in the Principal's Report to the Board of management Meeting – **child's name is not used.**

### ***Freedom of Information Acts 1997 and 2003***

Notwithstanding the requirement of all professionals involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except for independent practitioners) and are the property of the organisations that keep them. Under the ***Freedom of Information Acts 1997 and 2003***, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner.

***The Data Protection Acts 1988 and 2003*** afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access applies to records held by the HSE/Tusla and An Garda Síochána. However, the right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making a child welfare report in response to a request under the Data Protection Acts.



A full list of the relevant legislation concerning child protection and welfare is provided in Appendix 7 of Children First: National Guidance for the Protection and Welfare of Children 2011.

### ***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.

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.

There are two procedures to be followed (i) The Reporting Procedure. (ii) The Procedure for dealing with the Employee.

### ***Reporting***

When an allegation of abuse is made against a school employee, the DLP should act immediately. A written statement of the allegation should be sought from the person 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 concerned 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 Gardai 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 Gardai, 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 Chairperson 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.

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 Gardai and/or the Child Care Manager of the Health Board and the legal advisers to the Board of Management and regard be given 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.

### ***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.

Staff and Board of Management of this school have identified the following as areas of specific concern in relation to child protection. Following discussion and consultation the staff and Board of Management have agreed that the following practices be adopted:

### ***Physical contact***

Physical contact between school personnel and the child should always be in response to the needs of the child and not the needs of the adult. While physical contact may be used to comfort, reassure or assist a child the following should be factors in determining its appropriateness:

- It is acceptable to the child
- It is open and not secretive
- The age and developmental stage of the child

School personnel should avoid doing anything of a personal nature for children that they can do for themselves.

### ***Visitors /Guest Speakers***

Visitors/ guest speakers should never be left alone with pupils and it will be ensured that the material in use by guests is appropriate.

### ***Children with specific toileting/intimate care needs***

In all situations where a pupil needs assistance with toileting/intimate care a meeting will be convened, after enrolment and before the child starts school, between parents/guardians, class teacher, special needs assistant, principal and if appropriate, the pupil. The purpose of the meeting will be to ascertain the specific needs of the child and to determine how the school can best meet those needs. The staff to be involved in this care will be identified and provision will be made for occasions when the particular staff involved are absent.

### ***Toileting accidents***

Clean underwear and suitable clothing will be kept in the school so that if a pupil has an 'accident' of this nature they will in the first instance be offered fresh clothing into which they can change. If the pupil for whatever reason cannot clean or change themselves and the parents/guardians cannot be contacted the child will be assisted by members of staff familiar to the child. In all such situations **two members** of staff should be present. Parents will be informed of such incidents.

### ***Individual teaching***

There may be occasions when a child needs individual help. Every effort will be made to ensure that this teaching takes place in an open environment.

### ***Changing for Games/PE/Swimming***

Pupils will be expected to dress and undress themselves for games/PE/swimming. Under no circumstances will members of staff/volunteers be expected to or allowed to dress/undress a child in a cubicle/private area. In such situations where privacy is required the parent/guardian of the child will be asked to assist the child. There will be adequate supervision of pupils at all times.

While every effort will be made to adhere to best practice as agreed and outlined above, in the event of an emergency where this is not possible or practicable a full record of the incident should be made and reported to principal and parents.

## ***LINKS TO OTHER POLICY / PLANNING AREAS***

**Prevention:** SPHE curriculum, Strand Unit on 'Safety and Protection' and The School Code of Discipline and Behaviour

**Procedures:** Code of Discipline and Behaviour  
Health and Safety Policy  
Critical Incident Policy

**Practice:** P.E. Policy  
School Tours / Outings  
ICT – Acceptable use policy

## ***REVIEW AND MONITORING***

This policy will be monitored and reviewed by the Board of Management on an annual basis. The board of management will ensure that adequate training and support is provided for all staff.

Policy first drawn up: 2005  
Renewed on an annual basis.  
Latest Review: 18<sup>th</sup> November 2019

Signed: Seán Mc Namara  
Chairperson BOM