

New Child Protection Procedures

Information Session
for
School Personnel

Teachers are particularly well placed to observe and monitor children for signs of abuse and neglect. They are the main caregivers to children outside the family context and have regular contact with children in the school setting'

Children First 4.8.3

Why New Procedures?

A revised version of

‘Children First: National Guidance for the Protection and Welfare of Children’ was issued July 2011

The new Procedures for schools are based on Children First

Children First 2011

- The principle and substance are unchanged in the new document
- The document has been updated to reflect new policy, legislation and organisation
- It is accompanied by a new 'Practice Handbook' (Ch 3 for social workers) which provides a guide to consistent practice
- The minister intends putting 'Children First' on a legislative basis to ensure compliance by all organisations working with children

Children First Aims and Principles

The aim is to assist everyone working with children in identifying and reporting child abuse and neglect

The key principles of best practice are:

- The welfare of children is paramount
- Early intervention should be available
- Children have a right to be listened to
- Parents/carers have a right to respect and to be listened to
- (Go to www.dcyu.ie for complete document)

New DES Procedures

- The Procedures for schools are based on Children First
- All schools must have a child protection policy that adheres to principles of good practice.
- All primary schools must fully implement 'Stay Safe' and all post-primary SPHE/RSE
- New oversight arrangements to ensure uniform and consistent implementation of 'Children First' in the school sector

Oversight Requirements (1.2)

- A copy of the policy with names of DLP/DDLP to be made available to all school personnel/ Parents' Association/ parents
- The name of DLP to be displayed in a prominent position near main entrance to school
- At each BoM meeting the principal's report shall include cases submitted to HSE and cases on which advice was sought from HSE. Only the number of cases will be given; this will be recorded in the minutes

Oversight Requirements (1.2)

- Each school must undertake an annual review of the child protection policy and its implementation using the checklist in App2
- An action plan will address any areas for improvement identified by review
- School personnel/ Parents' Association/ parents to be informed that the review has taken place
- Record of the review to be made available to DES or patron if requested.

Child Protection Policy (1.3)

- Child welfare and protection permeates all aspects of school life and should be reflected in all a school's policies, practices and activities
- All schools must have a child protection policy which incorporates the adoption and implementation without modification of the Procedures

Child Protection Policy (1.3)

The policy must state that the school in all its policies, practices and activities will:

- Recognise the protection and welfare of children as paramount
- Fully co-operate with statutory authorities
- Adopt safe practices to minimise harm to children and protect workers
- Develop a practice of openness with parents
- Fully respect confidentiality requirements

Child Protection Policy (1.3)

- The policy shall list other policies and practices that are relevant to child protection, eg code of behaviour, anti-bullying, supervision of pupils etc.

See policy template in App One (p38)

- The policy shall be formally adopted by BoM and a copy provided to school personnel/ DES/ patron/ Parents' Association

Definition of a Child

For the purposes of these procedures a child means anyone under 18 years of age who is not married.

The age of consent is 17 years. If a school becomes aware of underage sexual intercourse the school should take appropriate steps to inform the child's parents. (2.1.6)

Children with Additional Vulnerabilities (2.3)

‘Certain children are more vulnerable to abuse than others. These include children with disabilities, children who are homeless and those who, for one reason or another, are separated from parents or other family member and who depend on others for their care and protection.’

Confidentiality (1.9)

‘All information regarding concerns of possible child abuse and neglect should be shared only on a ‘need to know’ basis in the interests of the child. The test is whether the person has any legitimate role in dealing with the issue’

School personnel should not promise confidentiality to a child if he/she, or another child, may be at risk of harm

Legal Protection (1.10)

- 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'

This applies to reports made to HSE/Gardai

- Qualified Privilege protects eg a member of staff making a report to the DLP as long as in doing so they are acting in the best interests of the child

Freedom of Information/ Data Protection

Any reports made to the HSE may be subject to Fol legislation. This enables member of the public to access data relating to them which is in the possession of public bodies.

Data Protection legislation gives every individual the right to establish the existence of personal data, to access data relating to them, and to have inaccurate data rectified or erased

Categories of Abuse (Ch 2)

All school personnel should be familiar with signs and behaviours that may be indicative of abuse. There are four categories of abuse:

- Neglect
- Emotional Abuse
- Physical Abuse
- Sexual Abuse

(Distribute handout P41-48)

Responsibilities of all School Personnel (Ch 3/4)

- ‘There is an obligation on schools to provide children with the highest standard of care in order to promote their well being and protect them from harm’ (3.1.1)
- ‘Any reasonable concern or suspicion of abuse or neglect must elicit a response.’ (3.4.4)
- ‘If a member of staff receives an allegation or has concerns he/she shall, without delay, report this to the DLP. A written record of the report shall be made and placed in a secure location by the DLP’ (4.1)

Reckless Endangerment of Children (Criminal Justice Act 2006)

A person with authority or control over a child or abuser can be found guilty of this offence if they:

- a) 'Cause or permit any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse'
- b) 'Fail to take reasonable steps to protect a child from such a risk' (3.4.5)

Dealing With Disclosures

‘An abused child is under severe emotional stress and a member of staff may be the only adult whom the child is prepared to trust. Great care should be taken not to damage that trust’ (3.5.1)

The member of staff will need to reassure the child and try to retain their trust while explaining the need to inform other adults.

(Distribute handout P20-21)

Record Keeping

‘When child abuse or neglect is suspected it is essential to have a written record of all information available. School personnel shall note carefully what they have observed and when’ (3.6)

Physical injuries can be sketched, the child’s exact words should be noted as soon as possible.

‘The record...shall be signed, dated and given to the DLP who shall retain it’ (3.6)

Role of DLP (Ch 3 & 4)

- The DLP will normally be the principal and DDLP the deputy principal
- The DLP acts as a liaison with outside agencies and as a resource to any member of staff or volunteer who has child protection concerns
- The DLP is the designated person for the school in dealing with HSE/Gardai and others regarding reports and/or concerns about child abuse and neglect

Role of DLP

- The DLP will submit a child protection report at each Board meeting, giving no identifying details
- If there are concerns about a child but the DLP is unsure whether to report he/she can seek advice in confidence from the HSE and should follow that advice
- If the DLP is satisfied that there are reasonable grounds for concern he/she shall report the matter to the HSE immediately

Role of DLP

- In an emergency or non-availability of HSE staff, the report shall be made to An Garda Siochana
- If the DLP decides not to pass on the concerns of a staff member to the HSE, he/she should be given a clear statement in writing saying why.
- The member of staff can consult with or report directly to HSE if they still have concerns

Allegations Against Staff (Ch 5)

- ‘The employee shall be treated fairly which includes the right not to be judged in advance of a full and fair enquiry’
- The first priority is to ensure that no child is exposed to unnecessary risk. Measures taken should be proportionate to the level of risk

Allegations Against Staff

In the event of an allegation against a staff member two procedures are to be followed:

- a) The reporting procedure in respect of the allegation/suspicion. This will be dealt with by the DLP as in Ch 4

- a) The procedure for dealing with the employee. This will be dealt with by the employer

Allegations Against Staff

- The employee should be given all information relating to the allegation – the nature of it, whether or not it has been reported to the HSE, any written record
- The protocol in App 6 authorises the principal of the school to direct an employee to absent him/herself immediately if the allegation warrants it

Additional Information in Procedures

- Ch 6 Peer Abuse and Bullying
- App 1 Policy Template
- App 2 Checklist for Review
- App 3 Signs and Symptoms of Child Abuse
- App 4 Standard Reporting Form
- App 6 Protocol Authorising Immediate Action