

Lusk J.N.S.

Chapel Road, Lusk, Co. Dublin
Phone: 018709242
Email: office@luskjns.ie

Parish of St. MacCullin



S.S. Lusca

Bóthar an tSéipeil, Lusca, BÁC
Guthan: 01 8709242
Website: luskns.ie

Child Protection Policy Lusk JNS St MacCullin's

Child Protection Procedures

This document takes account of the provisions of The Education Act 1998, The Child Welfare Act 2000, The Children First Act 2015 and the Children First National Guidance 2017 and DES Procedures for Primary and Post Primary Schools 2017.

Orfhlaith Bates, Principal, will act as Designated Liaison Person (DLP) as ratified by the Board of Management. In the absence of the Principal the Deputy Principal, Ms Sinéad White McKenna shall act as DLP i.e. Deputy Designated Liaison Person (DDL). All child protection concerns are channelled through the DLP. The DLP has specific responsibility for child protection and will represent the school in all dealings with Tusla, An Garda Síochána and other parties in connection with allegations of abuse. All matters pertaining to the processing or investigation of child abuse will be processed through the DLP. DLPs and DDLs are required to follow the Department's Child Protection Procedures for Primary and Post Primary Schools and must adhere to the 2017 procedures in dealing with allegations or suspicions of abuse.

The Act has put a statutory obligation on schools to keep children safe from harm and to display a Child Safe Guarding Statement. This is displayed in the foyer of Lusk JNS St MacCullin's and is also available on request from the office and also on the school website.

Designated Liaison Person (DLP):

The role of the DLP is to act as a key resource person for all school personnel including teachers who have a child protection concern. The DLP, in its role, must ensure that the reporting requirements of the procedures are followed correctly and promptly, ensuring appropriate records are properly maintained.

The DLP is required to provide a principal's report at each Board of Management meeting which includes a child protection oversight report.

Registered Teachers as Mandated Persons

The Children First Act 2015 has placed certain statutory obligation on certain professionals, including registered teachers, who are referred to as 'mandated persons' in the Act. Registered teachers, as mandated persons, must share and report child protection concerns and assist Tusla in the assessment of child protection.

Prevention: Whole School Approach

Lusk JNS St MacCullin's recognises wider child welfare issues and acknowledges that if addressed appropriately at an early stage, it can play a key role in the overall welfare and protection of children and in the prevention of child abuse and neglect. Below are examples of policies and procedures that are in place which aim to protect all children from risk of harm.

- Lusk JNS has an Anti-Bullying policy, which is reviewed annually. The procedures and guidelines are strictly followed when an allegation of bullying is made. This policy is available to read on the school website and is also available upon request in the school office.
- The school also has a comprehensive Code of Behaviour which focuses on positive affirmation, developing relationships and developing expectations of behaviour of which all children and parents are aware. Consequences of inappropriate behaviour are also clearly outlined. This policy is available to read on the school website and is also available upon request in the school office.
- All children in Lusk JNS St MacCullin's engage in the Stay Safe programme every year in February. This is a mandatory programme for all children. Lusk JNS St MacCullin's also has a Relationships and Sexuality Education programme (see RSE policy) where such issues are discussed in an age appropriate manner. Each May represents RSE month in Lusk JNS St MacCullin's.

Such programmes ensure that children are given the appropriate language and knowledge to ensure that they are aware of appropriate behaviours in themselves and others and that they have a safe space in which to discuss information in the event that they feel that they are at risk of abuse/harm or have been abused/harmed.

Recognition of the Various Types of Child Abuse:

- **Neglect**
Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is physically harmed or developmentally harmed. Neglect can be either intentional or unintentional on the part of the perpetrator.
- **Emotional Abuse**
This is the systematic emotional or psychological ill treatment of a child. Once off and occasional difficulties between parent/carer and child are not considered to be emotional abuse.
- **Physical 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 a pattern of incidents.
- **Sexual Abuse**
Sexual abuse is when a child is used by another person for his/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**

Children First National Guidelines 2017 states that bullying can be defined as repeated patterns of aggression. Bullying can be verbal, psychological or physical and can be conducted by an individual or a group against others. In cases of serious incidences of bullying where the behaviour is regarded as abusive, a referral may need to be made to Tusla or An Garda Síochána. Bullying that remains unresolved after the procedure's of the school's anti-bullying policy have been exhausted may also be reported to Túsła. The DLP in Lusk JNS St MacCullin's will seek advice from Tusla in such incidences regarding whether a report to Tusla is warranted.

(Although bullying is defined as 'repeated' patterns of unwanted behaviour, a once off incident where a derogatory comment is posted online is considered bullying because the comment has the ability to go viral i.e. been seen by a multitude of people).

Reporting Concerns to Tusla

The Children First National Guidelines stipulates that Tusla should always be informed where a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. It is not necessary to prove that abuse has occurred to report a concern to Tusla. All that is required is that the DLP has reasonable grounds for the concern.

Reports to Tusla by the DLP can be either a 'standard report' or a 'mandated report'. A Standard Report is made in a case where there is reasonable grounds for referral but the concern does not meet a certain 'threshold of harm'.

A Mandated Report is made when it is deemed that the concern has reached a 'threshold of harm' i.e. assault, ill-treatment or neglect of a child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare. In addition, sexual assault always requires that a mandated report be made.

Mandated Assisting

All teachers registered with the Teaching Council are considered Mandated Persons. As such, a mandated person shares information in relation to child protection concerns with the DLP who will in turn follow reporting procedure guidelines when or if reporting the concern to Tusla. If a mandated report is being made, the teacher who has brought the concern to the DLP and the DLP will make the report jointly.

As a mandated person, the statutory obligation to make a mandated report rests with the individual teacher. Therefore, if the DLP does not report the concern in question but the teacher thinks that there are legitimate grounds for concern, the teacher will make a mandated report independently of the DLP.

A Mandated person may also be required to provide any necessary information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. They may also be required to supply further information over the phone, produce a written or verbal report or attend a meeting organised by Tusla.

Confidentiality

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 you have written authorisation to do so.

All information regarding concerns of possible child abuse will only be shared on a need to know basis only 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.

Qualified Privilege

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

Protection for Persons Reporting Child Abuse

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 Tusla or any member of An Garda Síochana. 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. The act provides significant protection for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal.

Recognition of Child Abuse

A list of child abuse indicators is contained in Children First section 2.7 and in Appendix 1 of the Children First document. It is important to stress that no one indicator should be seen as conclusive of abuse; it may indicate conditions other than child abuse. All signs and symptoms must be examined in the total context of the child's situation and family circumstances. Generally speaking, there are three stages in the identification of child abuse:

- Considering the possibility
- Looking out for signs of abuse
- Recording of information

Each of these stages is developed in Children First section 2.7.2 – 2.7.6. A copy of the School Child Protection Recording Sheet is attached to this document (Appendix 1)

Disclosures from Children

There are comprehensive details of how disclosures should be handled in Children First Section 3. When information is offered in confidence the member of staff will need tact and sensitivity in responding to the disclosure. The member of staff will need to reassure the child and retain his/her trust, while explaining the need for action and the possible consequences, which will necessarily involve other adults being informed. It is important to tell the child that everything possible will be done to protect him/her but not to make promises that cannot be kept e.g. promising not to tell anyone else. The following advice is offered to school personnel to whom a child makes a verbal or written disclosure of abuse:

- Listen to the child
- Take all disclosures seriously

- 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
- Explain that further help may have to be sought
- Record the discussion accurately and retain the record

This information must then be passed on to the DLP.

Action to be taken by all School Personnel when concerned about Child Safety

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 (or the DDLP in her absence).

The DLP (or DDLP in her absence) acts as a resource person to all members of Lusk JNS who has a child protection concern and is responsible for:

- Ensuring the reporting requirements are followed correctly and promptly
- Record keeping
- Informing parents
- Notifying Board of Management of allegations against staff
- Communication with parents regarding allegations they make against staff
- Child Protection Oversight Report (part of every BOM meeting)
- Dealing with Tusla, An Garda Síochána and other parties

Reporting a Concern

Any reports made to Tusla in respect of child protection by Lusk JNS St MacCullin's will be made online via the Tusla portal. In emergency situations the DLP will ring the Social Work Department directly as well as making the online report.

When a concern has been brought to the DLP via a member of school personnel, both parties must consider whether there is reasonable grounds for concern. When there is agreement 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 reporter, if the reporter is a registered teacher.

Where the DLP and the member of school personnel are both satisfied that the concern is not or above a threshold of harm for a mandated report but consider that it constitutes reasonable grounds for concern, the DLP shall report the concern as a standard report.

If the DLP decides not to report a concern that has been brought to her attention by a registered teacher, she must give the reporter a clear statement in writing as to why the action is not being taken and a copy of that statement will be kept and filed by the DLP. The DLP will also advise the registered teacher that it still remains open to the teacher to seek advice from Tusla. If the teacher decides to report the concern independently of the DLP, he/she shall provide a copy of that report to the DLP.

In a situation where the DLP is unsure whether to report a concern, she shall seek advice from the Duty Care Social worker.

Emergency Reporting:

If a child appears to be in and serious risk and put is not possible to contact Tusla, the DLP will contact An Garda Síochána immediately.

Informing Parents

When the DLP has decided to make a report to Tusla, the parent/carer will be informed that a report has been made, unless to do so would:

- Put the child at increased risk **or**,
- Impair Tusla's ability to carry out a risk assessment as a result of the family's knowledge of the report **or**,
- Put the reporter at risk of harm from the family.

The DLP will seek the advice of Tusla if it is felt that a parent/carer should not be informed. A decision not to inform a parent/guardian will be briefly recorded together with the reasons for not doing so.

Allegations or Suspicions re: School Employees

Employees in this instance refers to all members of school personnel as well as unpaid volunteers.

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. There are two procedures to be followed

- The reporting procedure in respect of the allegation
- The procedure for dealing with the employee

The DLP has responsibility for reporting the matter to the Tusla. The Chairperson of the 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 Tusla

Reporting when Allegation is made against a School Employee

When an allegation of abuse is made against a school employee, the DLP should immediately act in accordance with the procedures outlined in Children First.

A written statement of the allegation should be sought from the person/agency making the report. The DLP will always inform the Chairperson of the Board of Management.

School employees, other than the DLP, who receive allegations against another school employee, will immediately report the matter to the DLP. School employees who form suspicions regarding the conduct of another school employee will consult with the DLP. The procedures outlined in Children First will then be followed. The chairperson and DLP will make the employee aware privately that:

- An allegation has been made against him/her
- The nature of the allegation
- Whether or not Tusla or Garda has been/will be/must be/should be informed.

The employee will be given a copy of the written allegation and any other relevant documentation. The employee will 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, Tusla 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 will 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 allegation warrants immediate action in the Chairperson's opinion, a meeting of the Board of Management will be convened to consider the matter. This may result in the Board of Management directing that the employee absent him/herself from the school 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 Tusla and the legal advisers to the Board of Management and regard be had to this advice. Should the Board of Management direct that the employee to absent him/herself as above, such absence will be regarded as administrative leave of absence with pay and not suspension and will not imply any degree of guilt. The DES will be immediately informed with regard to:

- formal approval for continuation of pay **and**
- sanction for the employment of a substitute teacher.

Child Protection Concern about a Member of School Personnel raised by a Parent

If a child protection concern has been raised by a parent regarding a member of school personnel, the DLP shall issue written notification to the 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 as it falls under Child Protection

Additional Reports to Tusla:

If a child has transferred to another school, and where the DLP is aware that a child protection report has been made to Tusla in respect of the child, the DLP should inform Tusla of the child's transfer.

Record Keeping

All records created in regard to child protection concerns shall be regarded highly confidential and kept in a secure locked cabinet in the DLPs office. Child protection case files and any parties mentioned in the files are assigned a unique serial number by the DLP. The Deputy DLP can access the relevant records when required.

Oversight

Oversight Role of Principal

The DLP is responsible for providing the principal's report to each BOM meeting which will include a Child Protection Oversight report under four headings:

1. Allegations of abuse made against 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

All notes must also be available in relation to each case with names redacted and anonymised including:

- how the concern arose and came to be known to the DLP
- how and if advice was sought from Tusla and copies of such records
- how and if a report (mandated or otherwise) was made
- copies of any records of communication with Tusla/An Garda Síochána or any other party
- copies of any notification regarding a concern about a member of staff made by a parent
- copies of any statement provided to a member of staff where the DLP decides not to report.

**In relation to allegations of abuse against a school employee, the records referred to in the Child Protection Oversight report shall not be anonymised or redacted in any way and the identities of the employee and other parties including any children concerned shall be provided at the BOM meeting.

Oversight Role The Board of Management

The Chairperson will 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

The BOM must ensure that the child protection procedures have been fully implemented in accordance with the legislation and implement the protocol authorising immediate action and commence any disciplinary process when required.

The BOM must formally adopt the Child Safeguarding Statement (displayed in the Junior School foyer and on the school website) of the requirements for display, and satisfy itself and record in the relevant Board minutes that each publication and circulation of the statement have been met. The Board must also ensure an annual review of the Child Safeguarding Statement and issue notification of this review to the patron, the Parents' Association and the School Website.

Oversight Role of the Patron:

The BOM shall inform the patron where:

1. an allegation regarding a member of the BOM has been reported by the DLP to Tusla. It is a matter for the patron to determine if any action is required regarding the member's continued role on the BOM
2. the BOM has not reported an allegation against an employee where advised by Tusla to do so.

Oversight Role of DES

It is the role of the DES to monitor the full implementation of Child Protection Procedures at school level.

Oversight Role of Tusla

The BOM is obliged to provide a copy of the school's Safeguarding Statement to Tusla when requested.

Tusla may establish a register of non-compliance including any schools that fail to provide a copy of the Child Safeguarding Statement.

Freedom of Information Act 1997

Reports made to Tusla may be subject to provisions of the Freedom of Information Act 1997, 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.

This policy will be reviewed by the Board of Management once in every school year.

This policy was adopted by the Board of Management on date: _____ (date)

Signed: _____

Signed: _____

Chairperson of Board of Management

Principal

Lusk National School
Child Protection Recording Sheet

Pupil Registration Number		
Date:	Observation:	Signed: