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|  | Summer Programme |
| September 2023 | St. Senan’s N.S. 18739I |
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Child Protection Policy

**ST. SENAN’S N.S.**

**1. INTRODUCTION**

The Board of Management of ***St. Senan’s N.S.*** value and encourage the participation of pupils in all activities that enhance their spiritual, physical, emotional, intellectual and social development. The school recognises the dignity and rights of all pupils and is committed to ensuring their protection and support. Management, staff and volunteers accept and recognise our responsibilities both to develop awareness of the practices which cause children harm and to create an environment that safeguards the well-being of all the children that attend the school.

The Child Protection Policy of ***St. Senan’s N.S.*** has been developed in accordance with:

* Child Protection Procedures, Department of Education & Science, 2023.
* Children First National Guidance for the Protection and Welfare of Children, Department of Health & Children, 2017

Queries about Child Protection Procedures in our school should be directed to:

* *Geraldine Lambert, Chairperson, 6 Allen Park, Shannon, Co. Clare. (087) 2996252*
* Allegations or suspicions of child abuse should be brought to the attention of the Chairperson of the Board of Management, the Designated Liaison Person (DLP), or the relevant authorities.
* *Geraldine Lambert, Chairperson (as above)*
* *Mrs. Tori Dillon, D.L.P., St. Senan’s N.S., Corrib Drive, Shannon. (061) 472005*
* *Shannon Garda Station, Shannon, Co. Clare. (061) 365900*
* *The Duty Social Worker, HSE, Tobartaoscáin, Ennis, Co. Clare. (065) 6863935 / 6863907*

2**. BACKGROUND**

## **2.1 Child Abuse: Towards a Definition**

***St. Senan’s N.S.*** has adopted the definition of child abuse as described in the ‘Children First –National Guidance for the protection and Welfare of Children 2017’.

The ‘Children First - National Guidance for the Protection and Welfare of Children 2017’, recognizes that child abuse can be categorized into four different types: neglect, emotional abuse, physical abuse and sexual abuse. It should be noted that a child may be subject to more than one form of abuse at any given time.

### **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, medical care or attachment to and affection from adults. The threshold of

significant harm is reached when the child’s needs are neglected to the extent that their well-being and/or development are severely affected.

The following are features of child neglect:

* Children being left alone without adequate care and supervision
* Malnourishment, lacking food, unsuitable food or erratic feeding
* Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
* Failure to provide adequate care for the child’s medical and developmental needs, including intellectual stimulation
* Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
* Lack of adequate clothing
* In attention to basic hygiene
* Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child’s age
* Persistent failure to attend school
* Abandonment or desertion

### **Emotional Abuse**

Emotional abuse is normally found in the relationship between a care-giver (an adult person who has responsibility for a child in the short or long term) and a child rather than in a specific event or

pattern of events. It occurs when a child’s needs for affection, approval, consistency and security are not met. It is rarely manifested in terms of physical symptoms. Children show signs of emotional abuse by their behaviour (for example excessive clinginess to or avoidance of the

parent or carer), their emotional state (low self-esteem, unhappiness) or their development. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and parent or carer.

Emotional abuse may be seen in the following ways:

* Rejection
* Lack of comfort and love
* Lack of attachment
* Lack of proper stimulation
* Lack of continuity of care
* Continuous lack of praise and encouragement
* Persistent criticism, sarcasm, hostility or blaming of the child
* Bullying
* Conditional parenting in which care or affection of a child depends on his /her behaviour or actions
* Extreme over protectiveness
* Inappropriate non-physical punishment
* Ongoing family conflicts and family violence
* Seriously inappropriate expectations of a child relative to his/her age and stage of development

### **Physical Abuse**

Physical abuse is any form of non-accidental injury or any injury that results from willful or neglectful failure to protect a child. Examples of physical injury include:

* Physical punishment
* Beating, slapping, hitting or kicking
* Pushing, shaking or throwing
* Pinching, biting, choking or hair pulling
* Use of excessive force in handling
* Deliberate poisoning
* Suffocation
* Fabricated / induced illness
* Female genital mutilation

### **Sexual Abuse**

Sexual abuse occurs when a child is used by another person for their gratification or sexual arousal, or for that of others. Examples of sexual abuse include:

* Any sexual act intentionally performed in the presence of a child
* An invitation to sexual touching or intentional touching or molesting of a child’s body whether by a person or object for the purpose of sexual arousal or gratification
* Masturbation in the presence of a child or the involvement of a child in an act of masturbation
* Sexual intercourse with a child, whether oral, vaginal or anal
* Sexual exploitation of a child
* Exposing a child to inappropriate or abusive material through information and communication technology
* Consensual sexual activity involving an adult and an underage person

(In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years).

### **Aggressive/Bullying/Sexualised Behaviour:**

While bullying is not a category in itself, it is important to be aware of it in relation to child abuse. Bullying can be defined as repeated verbal, psychological or physical aggression that is conducted

by an individual or group against others. It includes behaviour such as teasing, taunting, threatening and hitting.

* In ***St. Senans N.S.*** peer to peer bullying as described above will be dealt with in accordance with the school’s Code of Behaviour.
* Bullying behaviour that is perpetrated by an adult against a child will be dealt with under the provisions of this policy.

Sexualised behaviour displayed by an individual child, or occurring between children is inappropriate. Should such behaviour occur the school:

* Will arrange meetings (separate meetings if there are children from more than one family implicated) with the parent(s)/guardian(s) of the child/children involved.
* May if deemed appropriate seek advice from the HSE.

In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures will be adhered to for both the victim and the alleged abuser; that is, the matter will be considered a childcare and protection issue for both children.

## **2.2 Responsibility to Report Suspected or Actual Abuse**

All teachers in the school are mandated persons.

Mandated persons have two main legal obligations under the Children First Act 2015. These are

1. To report the harm of children above a defined threshold to Tusla
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report

A mandated person, under legislation, is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed.

The legal definition is where Neglect, Emotional Abuse, Sexual Abuse or Physical Abuse impacts on the child’s health, development or welfare which has been, or is, seriously affected, or is likely to be seriously affected.

If the mandated person is in any doubt about whether concern reaches the legal definition of harm for making a mandated report, Tusla are on hard to provide advice and support.

Any person who suspects that a child is being abused or is at risk of abuse, has a responsibility and a duty of care to report their concerns to TUSLA or an Garda Siochána, either directly or through the Designated Liaison Person.

The Protection for *Persons Reporting Child Abuse Act, 1998* provides immunity from civil liability to people who report child abuse ‘reasonably and in good faith’ to the HSE or the Gardaí.

Persons furnishing information with regard to suspicions of child abuse ‘reasonably and in good faith’ to the DLP or Chairperson of the Board of Management are protected under *‘Qualified Privilege’* as defined by Common Law.

It is a criminal offence to make a report of child abuse ‘knowing the statement to be false’.

## **2.3 TUSLA**

All persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and is you have any concerns you may make a report to TUSLA. All disclosures of abuse should be dealt with sensitively and professionally. The following approach is seen as best practice for dealing with disclosures:

* React calmly
* Listen carefully and attentively
* Take the child seriously
* Reassure the child that they have taken the right action in talking to you
* Do not promise to keep anything secret
* Ask questions for clarification only. Do not ask leading questions
* Check back with the child that what you have heard is correct and understood
* Do not express any opinions about the alleged abuser
* Ensure that the child understands the procedures that will follow
* Make a written record of the conversation as soon as possible, in as much detail as possible
* Treat the information confidentially, subject to legal requirements

1. **ROLES & RESPONSIBILITIES**

## **3.1 The Board of Management**

The Board of Management of ***St. Senan’s N.S.*** acknowledges its responsibilities in respect of child protection to include the following:

* Primary responsibility for the care and welfare of pupils.
* The development and implementation of an effective child protection policy.
* The appointment of a DLP and deputy DLP.
* The review and evaluation of the child protection policy and associated procedures.
* The provision of appropriate staff development and training.
* To monitor the progress of children at risk.
* The Investigation of allegations of child abuse against one of the school’s employees which have been reported to TUSLA) or An Garda Síochána.
* To ensure that curriculum provision aimed at the prevention of child abuse is in place.
* The development of a policy on teachers’ attendance at child protection meetings/case conferences and the provision of advice to teachers before attending such meetings/conferences.

## **3.2 School Staff & Volunteers**

* All staff have a general duty of care to ensure that arrangements are in place to protect children from harm.
* Staff are responsible for adhering to the child protection procedures as detailed in the school’s child protection policy.
* Teaching staff are responsible for the delivery of the curriculum aimed at the prevention of child abuse.
* Staff and volunteers are expected to comply with the child protection Code of Good Practice as detailed in this document.
* All school personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in children. In situations where school staff or volunteers suspect abuse or have concerns regarding the welfare of a child they are required to act in accordance with the procedures detailed in this document.

## **3.3 Role of the Designated Liaison Person (DLP) – Mrs. Tori Dillon**

* The Designated Liaison Person has specific responsibility for child protection.
* The DLP is the first point of contact within the school regarding suspicions or disclosures of abuse.
* Tori Dillon is the Designated Liaison Person for the school in all dealings with the HSE, An Garda Síochána and other parties, in connection with allegations of abuse.
* In instances where there are reasonable grounds for a suspicion or allegation of child abuse Mrs. Dillon is responsible for reporting the matter to the HSE, or in the case of an emergency the Garda Síochána.
* All documentation relating to reports and policy development are stored securing by Ms. Purcell.
* The DLP is responsible for informing the Chairperson of the Board of Management if a report involving a pupil in the school has been submitted to the HSE or Garda Síochána.

## **3.4 Role of the Deputy Designated Liaison Person (DDLP)**

* The Deputy Designated Liaison Person is responsible for performing the DLP’s responsibilities if *she* in unavailable or in *her* absence.
* The DDPL of **St. Senan’s N.S.** is ***Ms. Jane O Leary***

**4. CHILD PROTECTION: CREATING A SAFE & SECURE ENVIRONMENT**

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## **4.1 Code of Good Practice for, BoM members, Staff & Volunteers**

### **General Conduct**

* Physical punishment of pupils is not permissible under any circumstances.
* Verbal abuse of pupils, the use of sexual innuendo or telling jokes of a sexual nature in the presence of pupils is never acceptable. Great care should be taken if it is necessary to have a conversation regarding sexual matters with a pupil.
* Being alone with a pupil is not good practice. If a situation arises where it is necessary to be alone with a pupil, another member of staff should be informed immediately, and the room door should remain open for the duration. A diary note that the meeting with the young person took place, including the reasons for it, should be made.
* All pupils must be treated with equal respect; favouritism is not acceptable.
* Personnel should not engage in or tolerate any behaviour – verbal, psychological or physical – that could be construed as bullying or abusive.
* A disproportionate amount of time should not be spent with any particular pupil or group of pupils.
* Under no circumstances should school personnel give alcohol, tobacco or drugs to pupils.

### **Respect for Physical Integrity**

* The physical integrity of pupils must be respected at all times.
* Personnel must not engage in inappropriate physical contact of any kind – including tough physical play, physical reprimand and horseplay (tickling, wrestling). This should not prevent appropriate contact in situations where it is necessary to ensure the safety and well-being of a pupil (for example, where a pupil is distressed).

### **Respect for Privacy**

* The right to privacy of pupils must be respected at all times.
* Particular care regarding privacy must be taken when pupils are in locations such as changing areas, swimming pools, showers and toilets.
* Photographs of pupils must never be taken while they are in changing areas (for example, in a locker room or bathing facility) or toilets.
* Tasks of a personal nature (for example, helping with toileting, washing or changing clothing) should not be done for pupils if they can undertake these tasks themselves.

### **Meetings with Pupils**

* If it is necessary to meet alone with a pupil, such meetings should not be held in an isolated environment. The times and designated locations for meetings should allow for transparency and accountability (for example, be held in rooms with a clear glass panel or window, in buildings where other people are present, and with the door of the room left open).
* Both the length and number of meetings should be limited.
* Parents or guardians should be informed that the meeting(s) took place, except in circumstances where to do so might place the pupil in danger.
* When the need for a visit to the home of a pupil or young person arises, professional boundaries must be observed at all times.

### **Pupils with Special Needs or Disability**

* Pupils with special needs or disability may depend on adults more than other pupils for their care and safety, and so sensitivity and clear communication are particularly important
* Where it is necessary to carry out tasks of a personal nature for a pupil with special needs, this should be done with the full understanding and consent of parents or guardians.
* In carrying out such personal care tasks, sensitivity must be shown to the pupil and the tasks should be undertaken with the utmost discretion.
* Staff who carry out toileting duties must adhere to the Schools ”Intimate Care Policy”.
* Any care task of a personal nature which a pupil or young person can do for themselves should not be undertaken by personnel.
* In an emergency situation where this type of help is required, parents should be fully informed as soon as is reasonably possible.

### **Vulnerable Pupils**

* As especially vulnerable pupils may depend on adults more than other children for their care and safety, sensitivity and clear communication are of utmost importance.
* Workers should be aware that vulnerable pupils may be more likely than other pupils to be bullied or subjected to other forms of abuse, and may also be less clear about physical and emotional boundaries.
* It is particularly important that vulnerable pupils should be carefully listened to, in recognition of the fact that they may have difficulty in expressing their concerns and in order that the importance of what they say is not underestimated.

### **Handling Disclosures from Pupils**

Personnel dealing with disclosures from pupils should act with tact and sensitivity. In particular personnel who find themselves in such a situation should:

* Listen to the pupil
* Not ask leading questions or make suggestions to the pupil
* Offer reassurance but not make promises (e.g. promising not to tell anyone else)
* Not stop a pupil recalling significant events
* Not over react
* Explain that further help may have to be sought
* Record the conversation accurately and retain the record
* Report the matter to the DLP (or to the Chairperson of the BoM if the DLP is implicated)

### **Maintaining Records**

When child abuse is suspected, it is essential to have a record of all the information available.

Personnel should note carefully what they have observed and when they observed it. Signs of

Physical injury should be described in detail and any comment by the child concerned, or by any other person, about how an injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.

All records so created should be regarded as highly confidential and retained in a secure

location by the Designated Liaison Person.

## **4.2 Vetting of New Employees**

The Board of Management undertakes that-

* A Garda Vetting Report (standardized for appointees (permanent, fixed term and substitute).
* Reference checks will be carried out in respect of all new appointees.

## **4.3 Induction of New Employees**

* All new employees will be given a copy of this policy.
* The DLP will be responsible for:
* providing all new teachers and ancillary staff of the Child Protection Procedures, DES, 2023 and Children First Guidance, 2017
* providing all new staff with a copy of this policy document and discussing their obligations with regard to same.
* All new teachers are expected to teach the designated SPHE objectives for their class.

## **4.4 Supervision**

Every effort will be made to ensure that there is comprehensive supervision of pupils throughout the school day. A roster of staff on duty will be displayed in the office/staff room. Five Special Needs Assistants are also present in the yard during all break times. Teachers will ensure that pupils are visible in the schoolyard. Pupils will not be permitted to leave the school yard or engage with adults outside of the schoolyard.

## **4.5 One-to-One Teaching**

Parent(s)/Guardian(s) will be made aware when one-to-one teaching is deemed to be in the best interest of a pupil. Consent will be required for all one-to-one teaching.

## **4.6 Attendance**

Procedures with regard to the monitoring of school attendance are contained in the school’s Code of Behaviour. (Policy on School Attendance)

## **4.7 Curriculum**

The children in St. Senans’ N.S. are facilitated in the development of their self esteem, self confidence and the necessary skills to cope with possible threats to their personal safety. This is done through teaching specific lessons during SPHE time. (1/2 hour per week)

The Stay Safe programme forms a mandatory part of our SPHE curriculum. Parents will be notified when the programme will be rolled out.

## **4.8 Use of Images of Children**

* The school undertakes to seek parents’ or guardians’ permission for the use of photographs of pupils for any publicity purposes. This permission is sought on the registration form to be completed by parents once a child is enrolled in the school.
* At school ceremonies and other public events, the school will publicly announce the use of photographic and audio visual equipment so that anyone who would rather not be photographed or videoed can remove themselves.
* Only images of pupils in appropriate dress will be used.
* Inappropriate use of images of pupils will be brought to the attention of the DLP.
* No images of any pupil may be taken by an external agency or person without receiving the prior authorisation of the school principal.

## **4.9 Use of Technology**

* Procedures with regard to the use of technology are contained in the school’s Acceptable Usage Policy.
* Procedures with regard to the use of mobile phones *(refer to school mobile phone policy).*

## **4.10 School Visitors**

Procedures with regard to school visitors are contained in the School Visitors Policy. (See policy)

Revised procedures in line with Covid-19 regulations are outlined clearly in the school’s Response To Covid-19 2020

## **4.11 Travel**

Best practice in relation to travel with pupils will be observed. Personnel will not undertake any car or minibus journey alone with a pupil. If, in certain circumstances, only one adult is available, there should be a minimum of two pupils present for the entire journey. In the event of an emergency, where it is necessary to make a journey alone with a pupil, a record of this will be made and the pupil’s parent(s) or guardian(s) will be informed as soon as is possible.

## **4.12 School Tours**

* All trips, including day trips will be carefully planned in advance, to include adequate provision for safety in regard to transport, facilities, activities and emergencies. Adequate insurance will be put in place.
* Written consent by a parent or guardian specifically for each trip and related activities will be obtained in advance.
* A copy of the itinerary and contact telephone numbers (school mobile) will be made available to parents and guardians.
* There will be adequate supervision for boys and girls.
* Arrangements and procedures will be put in place to ensure that rules and appropriate boundaries are maintained in the relaxed environment of trips away.
* Particular attention will be given to ensuring that the privacy of young people is respected when they are away on trips.

**6. REPORTING CASES OF SUSPECTED CHILD ABUSE**

## **6.1 Action to be Taken by School Personnel**

* If a school employee receives an allegation or has a suspicion that a pupil is being abused the school employee will, in the first instance, report the matter to the Designated Liaison Person.
* A standardized form, available from the DLP, is completed by the class teacher when there is any suspicion of neglect / abuse. (Optional Templates A – F)

## **6.2 Action to be Taken by the Designated Liaison Person**

* If the school employee and the Designated Liaison Person are satisfied that there are **reasonable**

**grounds** for the suspicion or allegation the Designated Liaison Person will report the matter to TUSLA immediately.

### **Reasonable Grounds**

The following examples are quoted in *Children First Guidance* as constituting reasonable grounds for concern:

* + Specific information from the child that he/she was abused;
  + An account by a person who saw the child being abused;
  + Evidence, such as injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
  + 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 is a case of abuse e.g. a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour; and
  + Consistent evidence, over a period of time that a child is suffering from emotional or physical neglect.

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern in the first instance.

* The DLP will make every attempt to make personal contact with the duty social worker but in any event such a report will be made to TUSLA in writing.
* In the event of an emergency, or the non-availability of TUSLA staff, the report will be made to An Garda Síochána.
* When a report is being made to TUSLA or An Garda Síochána, the Chairperson of the Board of Management of the school will be informed.
* When a report is being made to TUSLA or An Garda Síochána, the DLP will inform a parent/guardian unless doing so is likely to endanger the pupil or place the pupil at further risk. A decision not to inform a parent/guardian will be recorded together with the reasons for not doing so.
* In cases where school personnel have concerns about a child, but are not sure whether to

report the matter the Designated Liaison Person will consult the Duty Social Worker. In

consulting, the Designated Liaison Person will clearly state that ***she*** is requesting advice and consultation and that ***she*** is not making a report. If the Duty Social Worker advises that a referral should be made, the Designated Liaison Person will act on that advice.

* If following consultation with TUSLA, the Designated Liaison Person decides that the concerns of the school employee will not be referred, the school employee will be given a clear statement, in writing, as to the reasons why action is not being taken. The school employee will be advised that, if he/she remains concerned about the situation, he/she is free to consult with or report to TUSLA.

**7. CHILD PROTECTION CONFERENCES**

A child protection conference is a forum for the co-ordination of information from all relevant sources, including where necessary, school employees. The child protection conference plays a pivotal role in making recommendations and planning for the welfare of children who may be at serious risk.

* A request from the HSE for a school employee to attend a child protection conference should be made to the Designated Liaison Person who will consult with the Chairperson of the Board of Management of the school. The Chairperson of the Board of Management may, through the Designated Liaison Person, request the appropriate authorities to clarify why the attendance of the school employee at the child protection conference is considered necessary, who else is going to be present and if the employee is required to provide a report.
* If there are concerns about the attendance of parents/guardians, the school will contact the conference chairperson for guidance.
* As a result of the CP conference the school employee may be requested to keep the child’s behaviour under closer observation, in a manner that is not inconsistent with the school employee’s existing duties to his/her class as a whole. This may include observing the child’s behaviour, peer interactions, school progress or informal conversations.
* In all cases, individuals who refer or discuss their concerns about the care and protection of children with HSE staff should be informed of the likely steps to be taken by the professionals involved. Wherever appropriate and within the normal limits of confidentiality, HSE have a responsibility to inform persons reporting alleged child abuse and other involved professionals about the outcomes of any enquiry or investigation into that reported concern.

**8. ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE BY SCHOOL EMPLOYEES**

The primary concern of the Board of Management of ***St. Senan’s NS*** is to protect the pupils attending the school to whom we have a duty of care. However, as an employer, the Board of Management also has responsibilities towards its employees. In this respect, and in the event of an allegation of abuse being made against an employee of the school the Board of Management will observe the employees’ right not to be judged in advance of a full and fair enquiry.

Should an allegation of abuse be made against a school employee the Board of Management undertakes to seek legal advice in respect of same.

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Follow up emergency meeting of the Employer

7.2.4

Following the activation of the protocol, an emergency meeting of the employer (board of

management or ETB as appropriate) shall be convened at which the employer will have to

consider formally placing the employee on administrative leave and proceeding within the

disciplinary process in accordance with the relevant principles and procedures therein

including those related to due process and fair procedures. Where an allegation of child

abuse against a member of teaching staff is being dealt with under the disciplinary

procedures for teachers, it shall be dealt with under the conduct stream of those

procedures.

7.2.5

Employers should note that legal advice should always be sought in these cases as

circumstances can vary from one case to another and it is not possible in these

procedures to address every scenario.

7.2.6

Any action taken by the employer in this regard shall be taken having regard to legal

advice received and shall comply, as applicable, with the relevant provisions of

employment legislation and relevant disciplinary procedures. The principles of natural

justice and fair procedures shall be applied. A decision to place an employee on

administrative leave does not imply any degree of guilt on the part of the school

employee.

7.2.7

Immediately after the emergency meeting of the employer (board of management or ETB,

as appropriate), Tusla shall be informed as to whether the employee has been formally

placed on administrative leave or where it has been decided not to place the employee

on administrative leave, Tusla shall be informed as to the alternative child safeguarding

actions that have been taken.

7.2.8

Where the Department is the paymaster, the Department shall be immediately informed of

the decision of the employer in relation to confirming the action taken under the protocol

for immediate action and formally placing the employee on administrative leave and

where the employee has been placed on administrative leave the employer shall seek

the Department’s:

(a)

formal approval for the continuation of pay and

(b)

sanction for the employment of a substitute teacher where this is necessary

7.2.9

The anonymisation of documentation referred to at 9.5.3 does not apply to the protocol

authorising immediate action.

7.3

Reporting procedure

7.4

Action to be taken by the employer

7.4.1

It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee shall not be disclosed, other than as required under the

procedures within this document.

7.4.2

When an employer becomes aware of an allegation of abuse against a school employee,

the employer shall arrange to privately inform the employee of the following:

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(a)

the fact that an allegation has been made against him or her;

(b)

the nature of the allegation;

(c)

whether or not the matter has been reported to Tusla (either by the DLP,

employer, or otherwise).

7.4.3

The employee shall be given 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.

7.4.4

Once the matter has been reported to Tusla the employee shall be offered the

opportunity to respond to the allegation in writing to the employer within a specified

period of time. The employee shall be told that his or her explanation to the employer

would also have to be passed on to Tusla. The employee may opt not to respond at this

juncture.

7.4.5

Any actions in relation to the employee, including whether he or she shall be placed on

administrative leave while the matter is being investigated, are exclusively a matter for the

employer.

7.4.6

The employer shall maintain regular and close liaison with Tusla or An Garda Síochána

and a decision on the position of the school employee shall be taken having due regard to

any information given to the employer by these authorities. The employer shall also keep

Tusla informed of any child safeguarding actions it has taken or proposes to take in

respect of the employee.

7.4.7

Where an employee has been directed to absent himself or herself from the school, such

an absence does not imply any degree of guilt on the part of the school employee. Where

the Department is paymaster and such an absence is directed (whether under the

protocol for immediate action or by a decision of the board of management or ETB to place

the employee on administrative leave (taken at an emergency meeting or otherwise)), the

Department of Education shall immediately be contacted with regard to:

(a)

formal approval for continuation of pay for the relevant period, and

(b)

Departmental sanction for the employment of a substitute teacher

where necessary for the relevant period.

7.4.8

Employers are reminded of their responsibilities to maintain strict confidentiality about all

matters relating to these issues. The relevant principles of due process, fair procedures

and natural justice shall be adhered to by the employer.

7.4.9

Any information or details that might identify a child should not be recorded in the minutes

of board of management meetings. Board of management members are also reminded of

their duty to maintain the confidentiality of board meetings and must not disclose or

discuss matters discussed at board meetings unless explicitly authorised by the board of

management to do so. A board member who breaches this requirement may be removed

from the board of management by the patron in accordance with the relevant provisions

of section 16 of the Education Act, 1998 and may not be protected in any legal

proceedings taken against him or her by the general indemnity provided to board of

management members under section 14(7) of the Education Act, 1998.

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7.4.10

It should be noted that any actions taken by the employer in respect of the employee

including disciplinary proceedings are a matter between the employer and employee in

question and must be handled in the strictest confidence. This means that a third party or

the person who made the allegation does not have a role in those proceedings, save for

the provision of information to any investigation undertaken by the employer or the giving

of evidence in a disciplinary hearing where this is applicable, and such person does not

have any entitlement to information regarding the progress or conduct of such

investigations or proceedings. Similarly, the Department or the school patron has no role in

employer/employee matters.

7.5

Further follow-up required

Employers should note the following when considering the further actions to be taken:

(a)

Legal advice should always be taken in relation to any proposed actions in

respect of the employee. The employer shall have regard to the legal advice

received and to its obligations to afford fair procedures to its employee.

(b)

Any disciplinary action required shall accord with established disciplinary

procedures and shall only be taken following consultation with Tusla (and An

Garda Síochána) if involved.

(c)

Depending on the circumstances, Tusla may be restricted in relation to the

information it may share with the employer. Accordingly, in certain

circumstances, it may be necessary for the employer to call a child, parent or

other adult to give evidence and for the child, parent or other adult to be

cross-examined as part of a disciplinary hearing. It should be noted,

however, that an employer does not have the power to compel such a person

to give evidence as part of a disciplinary process. In any case where a child is

to give such evidence, the child shall be treated with the utmost care and

sensitivity. (

Section 7.6

provides more information in relation to the

information that may or may not be shared with the school employer by

Tusla.)

(d)

Whilst the employer has the right to conduct its own disciplinary investigation

in accordance with the relevant employee disciplinary procedures

independent of any Tusla assessment or An Garda Síochána

investigation, nonetheless the employer shall have due regard to the

following:

(1) The employer should take care to ensure that actions taken do not

undermine or frustrate any assessment/investigation being conducted

by Tusla or An Garda Síochána. It is strongly recommended that the

employer maintain a close liaison with these authorities to achieve

this and take legal advice in relation to same.

(2) Where a report to Tusla has been made in respect of an employee, it

should not be assumed that disciplinary proceedings must always

await the conclusion of a Tusla assessment or An Garda Síochána

investigation. In this regard, the employer should always take legal

advice as to whether disciplinary proceedings should proceed or be

stayed pending the conclusion of the Tusla assessment/An Garda

Síochána investigation and make a decision on whether or not to

proceed with disciplinary proceedings in light of that advice.

(3) A decision to stay disciplinary proceedings pending the outcome of

any Tusla assessment and the reasons for that decision should be

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communicated to the employee. This communication should make

clear that the employer reserves the right to continue disciplinary

proceedings at a later point or once the Tusla assessment/An Garda

Síochána investigation is complete irrespective of the outcome of that

assessment/investigation. It should also indicate that the employer

may have regard to the outcome of any such

assessment/investigation in deciding what, if any, disciplinary action to

take.

(4) In any case where it is proposed to continue with disciplinary

proceedings, that proposal should be communicated to the employee.

Should the employee object to that proposal, the employer should

have regard to the basis for that objection before deciding on whether

or not to proceed with disciplinary proceedings. The employer should

take legal advice before making such a decision. Regard must also

be had to not only the obligation not to frustrate the Tusla

assessment, but to afford fair procedures to the employee.

(5) If a decision is made to stay disciplinary proceedings pending the

outcome of a Tusla assessment or an An Garda Síochána

investigation, the employee should be kept up-to-date on the progress

of the Tusla assessment/Garda investigation (insofar as this is

possible). In the event that the employee has been directed to be

absent from work, the necessity for the employee to remain absent

from work should also be kept under review, in consultation with Tusla

and having regard to legal advice.

7.6

Information sharing by Tusla

Tusla has in place a policy and procedures for its staff that must be followed in relation to

responding to allegations of child abuse and neglect which includes procedures for the

sharing of information with an employer where such an allegation is made in respect of an

employee.

It should be noted that the decision in relation to whether or not the person should be

absented from the school, is entirely a matter for the employer and Tusla has no role in

this regard. However, where an allegation of child abuse has been made in respect of a

school employee, Tusla can advise a school employer as to the adequacy from a child

protection perspective of any steps the school employer proposes to take to protect

children.

In relation to the information that it can share with a school employer, Tusla has advised the

Department that:

While an assessment by Tusla is ongoing, Tusla can only provide an update on

the progress of that assessment to the school employer where doing so does not

prejudice the individual’s right to fair procedure. This would usually require

information that is to be shared with a school employer to be agreed between

Tusla and the person who is subject of the allegation prior to the school employer

being informed. An individual who is subject of an assessment may ask that

information is not shared and in such circumstance, unless Tusla is of the view

that not sharing information puts children at potential risk, Tusla would have to

respect the wishes of the individual concerned. In such situations Tusla may

therefore be very limited as to what information it can provide to a school

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employer and may be restricted to just confirming that an assessment is still on-

going.

If, after its investigation, Tusla reaches a conclusion that an allegation is

“founded” it will inform the school employer and the relevant registration body (i.e.

the Teaching Council in the case of registered teachers).

Where Tusla has concluded that the allegation is “founded”, Tusla will provide a

copy (some content may be redacted where it is not relevant to the school’s

disciplinary process) of its concluding report of its findings, if requested to do so

by the school employer.

If Tusla reaches a conclusion that an allegation is “not founded”, it will not share any

further information with the school employer beyond confirming that its conclusion

in the matter was that the allegation was “not founded”.

Where an allegation of abuse against a member of school personnel has been

made directly to Tusla i.e. has not been reported to Tusla by the school, Tusla will

contact the relevant school employer where it considers that there is a risk to

children. Before it informs the relevant school employer, Tusla will normally first

inform the school employee that it intends to do so. However, in circumstances

where there is a potential immediate serious risk to any child, the safety of the

child is paramount and in such circumstance Tusla may deem it necessary to

make first contact with the school employer, prior to contacting an alleged abuser,

so as to ensure the safety of any child thought to be at immediate risk. Such

actions will be taken on the basis that no conclusion in respect of the accuracy of

allegations made against an individual will be made until such time as the social

work assessment is complete. In all cases, Tusla will inform the school employee

where it shares such information with an employer. The extent to which details of

allegations made against the school employee can be shared by Tusla, in such

circumstances, will depend on their level of concern and the relevance of the

specifics of the allegations to their child protection planning.

## **8.1 Reporting Procedure**

* School employees, other than the Designated Liaison Person, who receive allegations of abuse

against another school employee, will report the matter without delay to the Designated Liaison Person (or Chairperson of the Board of Management if appropriate).

* School employees who form suspicions regarding the conduct of another school employee will consult with the Designated Liaison Person (or Chairperson of the Board of Management if appropriate).
* Where an allegation of abuse is made against a school employee, the Designated Liaison Person within the school will immediately act in accordance with the procedures outlined in Section 5 of the Child Protection Procedures for Primary Schools 2023. . A written statement of the allegation will 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 TUSLA, the Designated Liaison Person will inform the Chairperson of the Board of Management of the allegation.
* Where the allegation of abuse is against the Designated Liaison Person, the Chairperson of the Board of Management will assume responsibility for reporting the matter to TUSLA or An Garda Síochána.

## **8.2 Action to be Taken by the Chairperson of the Board of Management**

* When a Chairperson of a Board of Management becomes aware of an allegation of abuse against a school employee, the Chairperson will privately inform the employee of the following:
  + the fact that an allegation has been made against him/her;
  + the nature of the allegation;
  + whether or not the matter has been reported to TUSLA or An Garda Síochána by the Designated Liaison Person.
* 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 of time. The employee will be informed that his/her explanation to the Board of Management will also have to be passed on to TUSLA.
* In accordance with its duty of care the first priority of the Board of Management will be to ensure that no child is exposed to unnecessary risk. In this respect the Chairperson of the Board will as a matter of urgency take any necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee, financially or otherwise, unless necessary to protect pupils.
* If, in the Chairperson’s opinion, the nature of the allegation warrants immediate action, the Chairperson, on behalf of the Board of Management, will direct that the employee absent him/herself from the school with immediate effect. Where the Chairperson is unsure as to whether the nature of the allegations warrants the absence of the employee from the school while the matter is being investigated, ***s/he*** will consult with TUSLA and/or An Garda Síochána for advice as to the action that those authorities consider necessary. Following those consultations, the Chairperson will have due regard for the advice offered.
* Any absence by a school employee will be regarded as administrative leave of absence with pay and not a suspension. Such a leave of absence will not imply any degree of guilt on the part of the school employee. Where such a leave of absence is invoked, the Department of Education and Science will be contacted with regard to:
  + Formal approval for the paid leave of absence of the school employee; and
  + Departmental sanction for the employment of a substitute teacher.
* The Chairperson will convene an immediate meeting of the Board for this purpose and inform the Board members of the nature of the allegations, the action taken in respect of same and the outcome of any consultations with TUSLA and/or An Garda Síochána.

### **Allegations Against Employees Pertaining to Previous Employment / Incidents Outside of School Hours:**

* In situations where the 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 the Chairperson of the Board of Management will maintain regular and close liaison with those authorities and a decision on the position of the school employee will be taken having due regard to the advice given to the Board of Management by those authorities. If the decision is taken that the school employee should take administrative leave of absence, the Department of Education and Science will be immediately informed.
* Where the alleged abuse has taken place within ***St. Senan’s N.S.***, or relates to the abuse of pupils of the school-by-school employees outside of school time, the Board of Management will convene a further meeting. At this meeting the Board will consider in detail the allegations which have been made against the school employee and the source of those allegations, the advice of TUSLA and/or An Garda Síochána in relation to the allegation and the written response of the employee to the allegations. At this meeting
  + the person/agency who is alleging abuse by the school employee will 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 will be afforded an opportunity to make a presentation of his/her case to the Board and may also be accompanied by another person.
* Having followed the procedures outlined above, and having satisfied itself that it has sufficient information to hand in order to make a determination in relation to the allegation, the Board will 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 will be informed of the outcome where the school employee had been directed to absent him/herself on administrative leave.

**9. CONFIDENTIALITY**

* All information regarding concerns of possible child abuse will only be shared on a need to know basis in the interests of the child.
* 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.
* Any Designated Liaison Person who is submitting a report to TUSLA or An Garda Síochána will inform a parent/guardian unless doing so is likely to endanger the child or place the child at further risk. A decision not to inform a parent/guardian will be recorded together with the reasons for not doing so.
* The Board of Management and staff of ***St. Senan’s N.S.*** give an undertaking to deal with all child protection issues with the utmost confidentiality.

**10. RELATED POLICIES**

* Code of Behaviour
* School Visitors Policy
* Acceptable Usage Policy
* Mobile Phone Policy
* Enrolment Policy

**11. POLICY RATIFICATION**

The policy was ratified by the Board of Management of ***St. Senan’s N.S.*** at its meeting held on *Date\_\_\_\_\_\_\_\_\_\_*.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Chairperson, Board of Management

**12. PATRON’S APPROVAL**

This policy has been approved by St. Senan’s Education Office, acting on behalf of the Patron ***[Bishop Fintan Monahan].***