



CHILD SAFEGUARDING POLICY September 2023

INTRODUCTION

This policy document has been drawn up by staff, Parents Association, and Board of Management of Saint Finian's National School in response to recent changes in legislation.

Saint Finian's National School is a Catholic mixed primary school providing primary education to pupils from Junior Infants to Sixth Class. In addition to its mainstream classes, it has one Early Start Half Unit.

The policy takes account of the provisions of the following:

The Children First Act 2015 National Vetting Bureau Children and Vulnerable Persons Act 2012

The Protection of Persons Reporting Child Abuse Act 1998

Education for Persons with Special Educational Needs Act 2004

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

In all instances of suspicion or allegations of abuse or neglect, the following Guidelines/Circulars will be referenced

Children First Guidance (Department of Children and Youth Affairs) 2011 Circular 0065/2011(Department of Education and Skills)

AIMS OF POLICY

Put in place clear procedures for dealing with and reporting suspected/alleged cases of child neglect or abuse Endeavour to safeguard the well being of the child and intervene when necessary to protect their rights Help school personnel recognise the signs of neglect or abuse Provide a safe environment for our school community

DEFINITION OF ABUSE Child abuse can be categorised into four different types:

- 1. Neglect**
- 2. Emotional abuse**
- 3. Physical abuse**
- 4. 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 (2.2.Children First Guidance)

DEFINITION OF EMOTIONAL ABUSE Emotional Abuse is normally to be found in the relationship between caregiver and a child rather than in specific events or patterns of events. It occurs when a child's needs 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 (3.3 Children First Guidance)

DEFINITION OF PHYSICAL ABUSE Physical abuse can be the result of single or repeated incidents to include;

- (1) Severe physical punishment
- (2) Beating/slapping/kicking
- (3) Pushing/shaking/throwing
- (4) Punching/biting/choking/hair pulling
- (5) Terrorising with threats
- (6) Observing violence
- (7) Use of excessive force or handling
- (8) Allowing or creating a substantial risk of significant harm to children (3.3 Children First Guidance)

DEFINITION OF SEXUAL ABUSE Sexual abuse occurs when a child is used by another person for his/her gratification or sexual arousal (3.5 Children First Guidance)

GUIDELINES FOR RECOGNISING THE SIGNS OF ABUSE

The recognition of abuse normally runs along three stages:

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. **Observing signs of abuse**- a cluster or pattern of signs is the most reliable indicator of abuse. Children may make direct or indirect disclosures, which should always be taken seriously. Less obvious disclosures may be gently explored with a child, without direct questioning (which may be more usefully carried out by Tusla or An Garda).

Play situations such as drawing or story telling may reveal significant information which could be considered in relation to the child's social and family context, and it is important to always be open to alternative explanations.

3. **Recording of Information**- it is important to establish the grounds for concern, by obtaining as much information as possible. Observations should be recorded and should include dates, times, names, locations, context and any information which could be considered relevant or which might facilitate further assessment/investigation.

HANDLING DISCLOSURES FROM CHILDREN (2.4 DES Child Protection Guidelines and Procedures)

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. 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 and support him/her, but not to make promises that cannot be kept e.g. promising not to tell anyone else.

While the basis for concern must be established as comprehensively as possible, the following advice is offered to school personnel to whom a child makes a disclosure of abuse.

- Listen to the child
- Do not ask leading questions nor make suggestions to the child
- Offer reassurance but do not make promises
- Do not stop a child recalling significant events
- Do not react
- Thank the child for telling you and reassure them that they were very brave
- Explain that further help may have to be sought
- Record the discussion accurately and retain the record using the school CP Report Form and go directly to the DLP with the form

MANDATED PERSON

A Mandated Person includes all members of the teaching staff. Whilst all other staff to include special needs assistants and ancillary are not mandated under the 2015 act, they are still required to report under this policy. They are required to report CP concerns directly to Tusla /An Garda or to the Designated Liaison person.

DESIGNATED LIAISON PERSONS (DLP) Saint Finian's National School Board of Management has appointed **Maria O'Connell** (Principal) to have specific responsibility for child protection.

This person will be the Designated Liaison Person for the school in dealing with Tusla, Garda Siochana and other parties in connection with allegations of abuse.

Where the Designated Liaison Person is unavailable for whatever reason, the Deputy Designated Liaison Person will assume responsibility. The Deputy Liaison Person is **Terry Martin (DDLDP)**. (Acting Deputy Principal)

ACTION TO BE TAKEN BY THE DESIGNATED LIAISON PERSON

When the school employee makes a report and the Designated Liaison Person is satisfied that there are reasonable grounds for the suspicion or allegation, the DLP shall report the matter to the relevant duty social worker of Tusla immediately.

It may be useful to note:

1. A report should be made to Tusla using the Tusla web portal. If we cannot get to a computer the report can be made in person, by phone and in writing. We will report using the Tusla web portal also.

Tusla has a duty social worker who is available during certain hours to meet with, or talk on the telephone, to persons wishing to report child protection concerns. **(Number for Wellmount Social Service - 01-8567704)**

2. It is generally most helpful if persons wishing to report child abuse concerns make personal contact with the duty social worker. This will facilitate the social worker in gathering as much information as possible about the child and his/her parents/carers.

3. In the event of an emergency, or the non availability of Tusla staff, the report should be made to An Garda. This may be done at any Garda Station.

It is recommended that all reports should include as much information as possible. When such a report is being made to Tusla, the Board of Management must be informed at the next meeting. In the case where the school personnel have concerns about a child, but are not sure whether to report the matter to Tusla, they should seek appropriate advice. To do so, the DLP should consult the appropriate Tusla staff. In consulting the appropriate Tusla staff, the DLP would have to give identifying details as are required when a report is being made. If the Tusla advises that a referral should be made, the DLP shall act on that advice. In following the discussion outlined, the DLP decides that the concerns of the school employee should not be referred to Tusla, the school employee should be given a clear statement, in writing, as to the reason why the action is not being taken.

The school employee should be advised that, if he/she remains concerned about the situation, he/she is free to consult with or report to Tusla directly.

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. The test is whether or not the person has any legitimate involvement or role in dealing with the issue.

The DLP who is submitting a report to the Tusla or Garda Siochana 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 reason for not doing so.

In emergency situations, where the Tusla cannot be contacted, and the child appears at immediate and serious risk, an Garda Siochana should be contacted immediately.

Under no circumstances should a child be left in a dangerous situation pending Tusla intervention.

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 suspicions of child abuse reasonably and in good faith to designated officers of Tusla, or any member of an Garda Siochana. 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. While the legal protection outlined above only applies to reports made to the appropriate authorities (i.e. Tusla and an Garda Siochana), 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.

PREVENTION OF CHILD ABUSE THROUGH CURRICULAR PROVISION

The following programmes are already in place in the school

- Social Personal and Health Education (SPHE)

- Stay Safe is mandatory
- RSE is taught to all pupils unless there is a request in writing not to do so,
- Self esteem enhancement programmes/activities – circle time, after school club, summer clubs, extracurricular sports etc.
- Well-being - the Waving Wellbeing programme is taught from 2nd - 6th class
- Friendship groups using the Talkabout programme
- Parental involvement; parents are made aware of programmes taught in school at induction meetings and information seminars on related topics.
- Parents also get feedback throughout the course of programmes e.g. Stay Safe and RSE worksheet completed in collaboration with parents.
- Whole school ethos, child friendly supportive environment, display children's work/creativity, assemblies, adults modelling good 6 behaviour, celebrating achievements, acknowledging effort and success.

STAFF TRAINING 2017

Staff development and in-service:

The DLP will inform staff of current practices and relevant in service training courses; Staff in-service in school on related topics.

Whole staff training from the SESS in Managing Challenging Behaviour (2017)

Whole staff training in the new Weaving Wellbeing programme (2017)

STAFF TRAINING 2018-2019

Maria O'Connell attended training from the archdioceses in Child Protection (2018)

Maria O'Connell attended training from the PDST in September 2018

Janet O'Donnell attended training from the PDST in October 2018

Whole staff training in the Weaving Wellbeing Programme in January 2019

STAFF TRAINING 2019-2020

6th class full day training with Motus Learning Mental Health December 2019

STAFF TRAINING 2022

Staff training in Psychological First Aid NEPS October 2022

Tusla ELearning Course 2022 All staff to update training

Brain Calm training for all staff September 2022

Nurture training for all SNAS and some staff 2022
Restorative Practice Training for all staff 2023
NEPS psychological first aid training 2023
NEPS continuous school support 2023

EXISTING SCHOOL POLICIES

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

- Substance Misuse Policy
- Code of Behaviour and Anti Bullying Policy
- Health & Safety Statement
- Mission Statement
- SPHE
- Stay Safe Policy
- Supervision

Peer abuse and bullying will be dealt with under the school's Code of Behaviour and Anti Bullying Policy. Serious incidents will be referred to the school principal. The Board of Management must be informed each term as to whether there have been incidents of bullying.

VETTING PROCEDURES

All employees with the exception of teachers employed prior to 2006 have been vetted. Pre 2006 teachers are being retrospectively vetted. New teaching staff must provide evidence of vetting, photographic evidence, a copy of a statutory declaration and a letter of undertaking. All SNA and ancillary staff must be vetted by the school independently of any other vetting. We do not accept transition year students on work placement.

ALLEGATIONS OR SUSPICIONS RE: SCHOOL EMPLOYEES

Any allegation against a school employee should be passed onto the Chairperson of the Board of Management. The most important consideration for the Chairperson of the Board of Management and the DLP is the safety and protection of the children. However employees also have a right to protection against claims which are false or malicious. As employers, the Board of Management should always seek independent advice as the circumstances vary from one to another. It is important to note that there are procedures to be followed:

The reporting procedure in respect of the allegation;

The procedure for dealing with the employee.

In general the same person should not have the same responsibility for dealing with the reporting issue and the employment issue. In the case of primary schools, the DLP is responsible for reporting the matter to Tusla while the Chairperson of the Board of Management, acting in consultation with his/her Board, is responsible for addressing the employment issues. However, where the allegation of abuse is against the DLP, the Chairperson of the Board of Management will assume the responsibility for reporting the matter to Tusla. The primary aim of the Boards of Management is to protect the children within the school to whom they have duty of care. However, school employees may be subject to erroneous or malicious allegations. Therefore any allegation of abuse should be dealt with sensitively and the employees fairly treated. This includes the right not to be judged in advance of a full and fair enquiry.

REPORTING PROCEDURE

Where an allegation of abuse is made against a school employee, the DLP within the school should immediately act in accordance with the procedures outlined in the Guidance 2011.

A written statement of the allegation should be sought from the person/agency making the allegation (parents/guardians may make a statement on behalf of the child). The ability of Tusla or the Board of Management to assess suspicions of allegations of abuse will depend on the amount and quality of information conveyed to them. The DLP should always inform the Chairperson of the Board of Management of the allegation. School employees other than the DLP, who receive allegations of abuse against another school employee, should report the matter without delay to the DLP.

The DLP should then follow the prescribed procedures as outlined. The DLP must consult with Tusla. If the DLP and the reporting school employee are satisfied that there are reasonable grounds for the suspicion other than the complaints that are frivolous or vexatious, the DLP should report the matter to Tusla immediately. The DLP should also report the matter to the Board of Management, who should proceed in accordance with the procedures.

ACTION TO BE TAKEN BY CHAIRPERSON

When a Chairperson of a Board of Management becomes aware of an allegation against a school employee, the Chairperson should quietly 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 by the DLP. 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 of time. The employee should be told that his/her explanation to the Board of Management would also have been passed on to Tusla.

At this stage, it should be remembered that the first priority should be to ensure that no child is exposed to unnecessary risk. The Chairperson of the Board of Management should as a matter of urgency take any necessary protective measures.

These measures should be proportioned to the level of risk and should not unreasonably penalize the employee, financially or otherwise, unless necessary to protect children.

If, in the Chairperson's opinion, the nature of the allegation warrants immediate action, the Chairperson, on the Board of Management's behalf should direct that the employee absent himself/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 should consult with Tusla and/or the Gardai for advice as to what action that those authorities would consider necessary.

Following these consultations, the Chairperson should have due regard for the advice offered. Any absence by a school employee should be regarded as administrative leave of absence with pay and not suspension.

Such a leave of absence would 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 & Skills should be contacted with regard to:

Formal approval for the paid leave of the school employee; and Department sanction for employment of a substitute teacher

FURTHER FOLLOW UP REQUIRED

Whether or not the employee is absent from the school on administrative leave, it is necessary for the Chairperson to inform the Board of Management immediately of the matter. The Chairperson should convene an immediate meeting of the Board for this purpose and inform Board members of the nature of the allegations; the action taken in respect of the same and the outcome of any consultations with Tusla and/or the Gardai. Members of the Board of Management should be reminded of the serious responsibilities to maintain strict confidentiality about all matters relating to the issue.

The principles of due process and natural justice should be adhered to by the Board. It should be noted that, in certain situations, it might not be possible for the Board of Management to reach any definite conclusions as to whether the alleged abuse actually occurred. Such a situation could occur where the allegations of abuse relate to the past employment of the school employee and where these allegations are being investigated by either the Tusla or the Gardai. In such situations it may not prove possible for a Board of Management to conduct any proper enquiry into the allegations.

In these cases the Chairperson of the Board of Management should maintain regular and close liaison with those authorities and a decision on the position of the school employee should have been taken having due regard to the advice given to the Board of Management by those authorities.

However, where the alleged abuse has taken place within school and relates to the abuse of pupils of the school by school employees outside of the school time, the Board of Management should convene a further meeting. At this meeting the Board should 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 the Gardai in relation to the allegation and the written response of the employee to the allegation. At the meeting the person/agency who is alleging the abuse by the school employee should 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 should 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 for it to make a determination in relation to the allegation, the Board should then make a decision on which action, if any, it considers necessary to take in respect of the employee. The Department of Education and Skills should be informed of the outcome where the school employee had been absent on administrative leave.

FEEDBACK FROM TUSLA

The Children First guidance place an onus on Tusla to ensure that arrangements are put in place to provide feedback to employers in regard to the process of a child abuse investigation regarding an employee. It is clearly stated in those guidelines that efforts should be made to investigate complaints against employees promptly, bearing in mind the serious implications for an innocent employee. Tusla should pass on reports and records to the employer and the employee in question where appropriate. This will assist the employer in reaching a decision as to the action to be taken in the longer term concerning the employee.

Employers should always be notified of the outcome of investigations. It is the responsibility of the Chairperson of the Board of Management to maintain close contact with Tusla to ensure that it acts promptly in cases of alleged abuse involving school employees.

REVIEW AND EVALUATION

This policy document was revised in September 2020. It was revised in consultation with staff, parents, Board of Management and the in school management committee of Saint Finian's National School.

It was ratified by the respective Board of Management in October 2022.

It will be reviewed in October 2023 or sooner if the need arises.

Signed: _____ M.O'Connell _____

Date: _____