

Scoil na Tríonóide Naofa

Child Safeguarding Staff Protocol



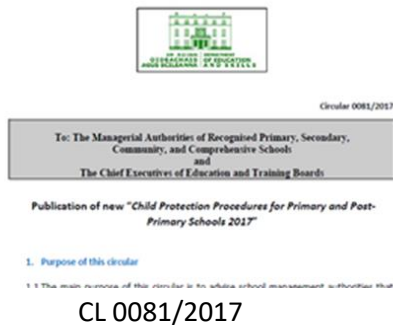
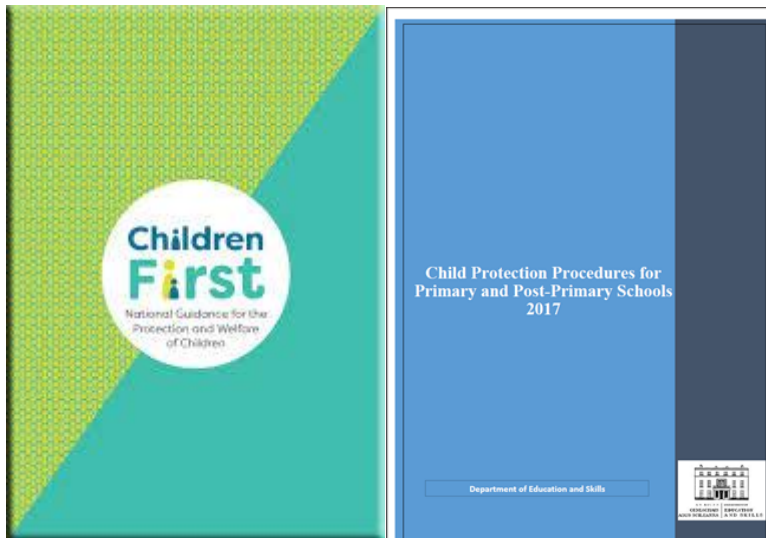
Designated Liaison Person (DLP): Eilis Casey

Deputy Designated Liaison Person (DDL P): Roger Corcoran

I. *Being Informed and Compliant*

It is the duty and responsibility of all persons working in Scoil na Tríonóide Naofa to be informed of their legal obligations towards safeguarding children.

The following documents are on the shared staff drive, have been emailed to staff and are freely available online;



Staff will be offered continuous professional development in this area from time to time, however all adults working in Scoil na Tríonóide Naofa are expected to be compliant with the requirements set out in the legislation, guidelines and circular letter as above.

A free online course is available <http://childrenfirstuniversal.hseland.ie/programme>

This course is certified and takes about 90 mins to complete

II. Initial disclosures/observations

If you observe something that gives you cause for concern then you are required to bring the matter to the attention of the school DLP. You may then be asked to fill out a child safeguarding referral booklet. Where you have genuine concerns; you may wish to fill out the referral booklet whether you have spoken to the DLP or not.

If you are approached by a student(s) with a concern about themselves or others you will need to fill out a referral booklet.

Please note during the initial disclosure;

Do –Take the disclosure in a quiet space where the student(s) are unlikely to be overheard or disrupted

Do -Inform the student that you cannot give them a promise of confidentiality

Do - Listen while the child speaks

Do - Keep a record of the details as they were told to you either during the disclosure with the student's permission or immediately afterwards

Do -Report immediately to the DLP who will advise and support you on the next steps of the process

Do not - ask leading questions e.g. did he hit you in the face as well as the back of your head?

Do not - investigate further e.g. do you think he has done it before?

Do not - form opinions e.g. I'm not sure/ I thought/ it seemed to me

Do not – promise the student an immediate/definite outcome

Please bear in mind at all times that your role is to report not to investigate

Suggested Confidentiality Request Response:

*“You can tell me anything that you need to tell but there are some things that I cannot legally keep to myself. If you tell me that you or any other person is in danger or at risk of being hurt or abused in any way **or** if you inform me of a crime, I will have to discuss it with Ms. Casey or Mr. Corcoran. Do you understand?”*

III. Reporting – Joint reporting

After an observation or disclosure you are **required** to bring the matter to the attention of the Designated Liaison Person (DLP) – Eilis Casey- as promptly as possible. If the DLP is not in the building then the matter must be brought to the attention of the Deputy DLP – Roger Corcoran.

If the concern raised by a child involves a teacher, the DLP will contact the relevant and appropriate authorities.

Please note you are not free at this time or and later time to discuss this information with any person other than those directly involved in the child safeguarding process.

‘All school personnel should be aware that section 17 of 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, save in accordance with law, or unless Tusla has given that person written authorisation to do so. Failure to comply with this section of the Act is an offence liable to a fine or imprisonment for up to six months or both.’

After discussion with the DLP you may be asked to fill out child safeguarding **referral booklet**.

If you are a teacher then you are a mandated reporting person and you are obligated to ensure that advice has been sought from the correct agency, HSE or an Garda Síochána. Every registered teacher should note that as a mandated person the statutory obligation under the Children First Act 2015 to make a mandated report to Tusla rests with the individual teacher and this applies regardless of whether or not the DLP reports the concern in question.

If the DLP and the registered teacher both agree that the concern is at or above the defined threshold of harm at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report to Tusla jointly by the DLP and the registered teacher concerned using the Tusla report form.

However a registered teacher who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

If you are not happy that the DLP has taken the appropriate measures then you should take advice from Tusla as to whether you are obligated to do so.

When writing reports in Section A of the child safeguarding referral booklet;

Do – Keep your account factual and brief - mention observable facts only rather than opinion, supposition or conclusion e.g. say student x was crying not Students x was upset

Do - include the actual words spoken by the child where possible

Do – remember that the formal report has legal status

IV. Non – Reporting

There are two sanctions listed in Children First for non-reporting by mandated reporting persons.

Consequences of non-reporting –

While the Children First Act, 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla, Children First National Guidance 2017 outlines that there are possible consequences for mandated persons who fail to report. In the case of registered teachers, there are a number of administrative actions that Tusla could take, if after an investigation, it emerges that a mandated report was not made by a registered teacher and a child was subsequently left at risk or harmed.

In that regard, Children First National Guidance 2017 provides that Tusla may:

(a) make a complaint about the registered teacher under the Fitness to Teach provisions of the Teaching Council Acts 2001 to 2015.

(b) pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to current or future employers when the registered teacher is next Garda vetted.

*Please note - Failure to follow up on a report is subject to the same sanctions as non-reporting.

V. Reporting in good faith – malicious reporting – reckless endangerment

Where reports are made according to guidelines and best practice, reporting persons will enjoy the legal indemnities that existed under previous legalisation. There are sanctions for malicious reporting and for reckless endangerment.

VI. Mandated Assisting

Tusla may request a mandated person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. A mandated person must comply with this request, regardless of who made the mandated report.

Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed by each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting.

Child Protection Procedures for Primary and Post-Primary Schools 2017

It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child to tell about the problem, **rather than interviewing the child about details of what happened.**

Disclosures of abuse must be dealt with sensitively and professionally. The following approach is suggested as best practice for dealing with these 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 the requirements of the Children First National Guidance 2017 and relevant legislation

The duty of the recipient of such information is to follow the reporting requirements outlined in chapter 5 of these procedures. **It must always be remembered that school personnel have a supportive, not an investigative role.**

Criteria for mandated reporting: threshold of harm

4.3.1 Under the Children First Act, 2015 registered teachers as mandated persons are required to report to Tusla any knowledge, belief or reasonable grounds to suspect that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in chapter 2 of these procedures. The threshold of harm for each category of abuse at which registered teachers as mandated persons have a statutory obligation to report concerns is set out in chapter 3 of Children First National Guidance 2017, and is outlined below.

4.3.2 Neglect

Neglect is defined as “to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care”. The threshold of harm, at which a registered teacher as a mandated person has a statutory obligation to report to Tusla under the Children First Act, 2015 is reached when he or she knows, believes or has reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

4.3.3 Emotional abuse/ill-treatment

Ill-treatment is defined as: “to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated”. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act, 2015.

The threshold of harm, at which a registered teacher as a mandated person has a statutory obligation to report to Tusla under the Children First Act, 2015 is reached when he or she knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

4.3.4 Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act, 2015. The threshold of harm, at which a registered teacher as a mandated person has a statutory obligation to report to Tusla under the Children First Act, 2015 is reached when he or she knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted and that as a result the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

4.3.5 Sexual Abuse

A registered teacher as a mandated person who knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused has a statutory obligation to report this to Tusla under the Children First Act, 2015. Such reports shall be made in accordance with the reporting requirements outlined in chapter 5 of these procedures.

Sexual abuse to be reported under the Children First Act, 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act, 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out at Appendix 3 of the Children First National Guidance 2017 and in appendix 2 to these procedures.

Important note: As all sexual abuse falls within the category of seriously affecting a child’s health welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one exception which deals with certain sexual activity between older teenagers which is outlined in section 4.7 of these procedures.