

Child Protection Guidelines

Largy College

2017/18

Introduction

Largy College's child protection guidelines form the foundation of the schools pastoral care programme. The school takes seriously the safety and wellbeing of all its students and staff and will endeavour to provide a happy and safe environment at all times.

In recognition of a wider societal problem, and in support of our Government initiative through the 'Children's First' guidelines on child protection (2011) to protect our children, we in Largy College have established our own updated guidelines on child protection, which endeavours to reinforce our legal obligations under the Children's First Act, 2015.

The aim of these guidelines are to support and guide management and staff in their responsibility in law, to recognise and respond, to all allegations of child abuse.

Largy College takes this role very seriously when it comes to child protection and abides by these guidelines as set out in 'Children First' (2011) and the Children's First Act 2015.

The objectives of the national guidelines are:

1. They should improve the identification, reporting, assessment, treatment and management of child abuse.
2. They should facilitate effective child protection work by emphasising the importance of family support services and the need for clarity of responsibility between various professional disciplines.
3. They should improve the capacity of all staff to protect children.
4. They should consolidate inter-agency co-operation based on clarity of roles and responsibilities.

Confidentiality and Reporting

All information regarding concerns of possible child abuse should only be shared on a **“need to know”** basis.

Giving information to those who need to have that information for the protection of the child, is not a breach of confidentiality.

The Designated liaison Person (DLP) or Deputy Designated Liaison Person who submits a report to the health board or An Garda Síochána should inform the parent or guardian unless doing so is likely to endanger the child or place the child at further risk.

A written record should be kept of your communication with the parent/carer and it should also be recorded what the decision process was if parents/carers were not informed.

If in doubt whether to report any concerns consult with DLP and/or the duty social worker in the health board.

It is not the role of any staff member to investigate, or even to make enquires of parents/carers. That is the job of the health authorities and An Garda Siochana.

Protection of persons reporting Child abuse

There is provided in the law immunity from civil liability to any person who reports child abuse, if it is done “reasonably and in good faith” to the appropriate authorities.

A new offence of false reporting of child abuse where a person “knowing that the statement to be false” makes a report is deemed a criminal offence. This law is designed to protect innocent persons from malicious reports.

Legislation

Freedom of Information Acts, 1997 & 2003

Written information pertaining to a case can be accessed by members of the public if it is related to them and is in possession of a public body.

The act also provides that the public bodies may refuse access to information obtained by them in confidence.

However there are exemptions

Exemptions

The exemptions and exclusions which are relevant to child protection include the following:

- Protecting records covered by legal professional privilege.
- Protecting records which would facilitate the commission of a crime.
- Protecting records which would reveal a confidential source of information.

The Data Protection Acts, 1988 & 2003

This is designed to protect the rights of individuals with regard to personal data.

This act gives the right to every individual to establish the existence of personal data, to have access to any data relating to him/her and to have inaccurate data rectified or erased.

It also requires that data controllers protect the data they keep, and imposes a special duty of care in relation to the individuals about whom they keep such data.

Children's First Act 2015

An act for the purpose of making further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, to require certain persons to make reports to the Child and Family Agency in respect of children in certain circumstances where there is reasonable suspicion of a need for child protection.

Definition and Recognition of Child Abuse

All school personnel should be familiar with signs and behaviours that may be indicative of child abuse.

Child Abuse has been defined as an act, or failure to act, on the part of a parent or caretaker that results in the death, serious physical or emotional harm, Sexual Abuse, or exploitation of a child or which places the child in an imminent risk of serious harm.

Categories

Child 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, and/or medical care.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child.

Whether it is significant is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.

The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

Emotional Abuse

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need 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. Examples may include:

- (i) The imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- (ii) Conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- (iii) Emotional unavailability of the child's parent/carer;
- (iv) Unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- (v) Premature imposition of responsibility on the child;
- (vi) Unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
- (vii) Under- or over-protection of the child;
- (viii) Failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- (ix) Use of unreasonable or over-harsh disciplinary measures;
- (x) Exposure to domestic violence;
- (xi) Exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust.

There may be single or repeated incidents.

Physical abuse can involve:

- (i) Severe physical punishment;
- (ii) Beating, slapping, hitting or kicking;
- (iii) Pushing, shaking or throwing;
- (iv) Pinching, biting, choking or hair-pulling;
- (v) Terrorising with threats;
- (vi) Observing violence;
- (vii) Use of excessive force in handling;
- (viii) Deliberate poisoning;
- (ix) Suffocation;
- (x) Fabricated/induced illness (see Appendix 1 for details);
- (xi) Allowing or creating a substantial risk of significant harm to a child.

Sexual Abuse

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

(i) Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;

(ii) Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;

(iii) Masturbation in the presence of the child or the involvement of the child in an act of masturbation;

(iv) Sexual intercourse with the child, whether oral, vaginal or anal;

(v) Sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse; 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 the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

Signs and symptoms of child abuse

The possible physical indicators are:

Unexplained bruising in soft tissue areas

Repeated injury

Black eyes

Injuries to the mouth

Torn or blood stained clothing

Burns and scalds

Bites

Inconsistent stories

Behavioural/ Developmental Indicators

Unexplained changes in behaviour

Difficulty in making friends

Distrustful of adults or excessive attachment to adults

Sudden drop in performance

Inappropriate sexual awareness, behaviour or language

Unusual reluctance to remove clothing

Reluctance to go home

Changes in attendance patterns

Responsibility of Largy College

- Largy College must provide the highest standard of care to the school community.
- Be knowledgeable of all relevant legislation in relation to child protection.
- Staff will be informed annually, of the issues surrounding child protection and their duty of care to all students.
- Utilising the student council, student should also be made aware of the relevant school personnel that are available for support and advice
- All school personnel must be well versed to observe behavioural changes/ signs of abuse.
- Board of management/ CMETB must appoint a designated liaison person and a Deputy.
- The DLP is usually the school principal.
- The school has a legal obligation to ensure that the legislation under Children First is adhered too. (Children First Act, 2015)

Responsibilities of School Personnel

Designated Liaison Person and/or Deputy Designated Liaison Person

The DLP will act as a liaison with outside agencies.

He/ She will be a resource person for staff having concerns.

Notifies, CMETB, and Board of Management that a report has been made.

If the DLP is unavailable then responsibilities will go to the Deputy Liaison Person.

Reporting Procedures

Members of Staff in Largy College including the DLP and DDLP are made aware of the reporting procedures as directed under the Children's First Guidelines.

- Any person reporting a child abuse or neglect concern should do so without delay to the HSE Children and Family Services. A report can be made in person, by telephone or in writing. Contact numbers for all HSE offices nationwide are given in Appendix 2 of this national guidance and are also available on the HSE website (www.hse.ie) or through the HSE LoCall Tel. 1850 241850.
- Before deciding whether or not to make a formal report, you may wish to discuss your concerns with a health professional or directly with the HSE Children and Family Services (see HSE contacts in Appendix 2).
- Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending HSE intervention. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with the HSE, you should contact the Gardaí. This may be done through any Garda station.
- The Standard Report Form for reporting child welfare and protection concerns to the HSE (see Appendix 3) should be used by professionals, staff and volunteers in organisations working with or in contact with children, or providing services to children when reporting child protection and welfare concerns to the HSE Children and Family Services. If a report is made by telephone, this form should be completed and forwarded subsequently to the HSE.
- The HSE will follow up on all referrals, even if the Standard Report Form has not been used.

Once a disclosure is made by the child:

A written record of the disclosure should be made as soon as possible by the person receiving it.

If the child wishes to make a written statement this should be allowed

Where an allegation is made by an adult, a written statement should be sought from this person.

The ability of the Health Board to assess will depend on the quality of the information.

The DLP should always inform the employer (CE)

The Employer (CE) should as a matter of urgency ensure that the necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children.

The employer should have in place a written protocol to authorise any immediate action.

The principles of natural justice must prevail.

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 previous guidelines should then be followed.

School employees who form suspicions regarding the conduct of another school employee should consult with the DLP. If there are reasonable grounds then the DLP should report the matter to the relevant authorities

Dealing with Disclosures

It is important that all school personnel in Largy College should consult with relevant sections of Children First Guidelines and liaise with the Designated Liaison Person where they have concerns that a child may have been abused, or is being abused or is at risk of abuse.

The Children First guidelines state that the authorities should be notified where a person has reasonable grounds for concern that a child is at risk. The following examples are quoted as constituting reasonable grounds for concern:

- Specific indication from the child that he/she was abused.
- An account by the person who saw the child being abused.
- Evidence, such as injury or behaviour, which is consistent with abuse and is unlikely to be caused in another way.
- An injury or behaviour which is consistent both with the abuse and with an innocent explanation but where there are collaborative indicators supporting the concern that it is a case of abuse – e.g. Pattern of injuries, implausible explanation, dysfunctional behaviour.
- Consistent indication, over a period of time that a child is suffering from emotional or physical pain.

Recording Disclosures

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

The member of staff will need to reassure the child, and endeavour to retain his/her trust, while explaining the need for action which will necessarily involve other adults being informed.

Inform the child that everything possible will be done to protect and support him/her, but not to make promises that cannot be kept.

Stay calm, listen compassionately take what the child is saying seriously.

The child should understand that it is not possible that any information will be kept secret.

No judgemental statements should be expressed.

The child should not be questioned unless the nature of what is being said is unclear.

The child should be given some indication of what will happen next.

Record the disclosure immediately afterwards using, as far as possible the child's own words.

Records should be factual and not conjecture

Action to be taken by DLP

When the DLP is satisfied that there are reasonable grounds he/she should report to the relevant health board, using the standard reporting form.

When making the report it would be useful to contact the Duty Social Worker, if in doubt consult the social worker.

If neither of the above are available in the case of emergency contact An Garda Siochana.

It is important that a written record be undertaken of all actions and meetings, this should be carefully dated and signed and placed in a secure location.

Allegations/ Suspicions of Abuse by School Employees

Primary goal is the protection, safety and welfare of the child.

Employer (Cavan Monaghan ETB) also has duties and responsibilities towards employee.

Procedures

There are two procedures to be followed:

1. The reporting procedure in respect of the allegation.
2. The procedure for dealing with the employee.

In general the same person should not have responsibility for both.

The DLP is responsible for reporting the matter to the health board, and the Employer (CE) is responsible for addressing the employment issues.

While the primary goal of the employer is to protect the children in the school. It is worth noting that school employees may be subject to erroneous or malicious allegations. Therefore any allegation should be dealt with sensitivity and support provided for staff including counselling where necessary. The employee should be treated fairly which includes the right not to be judged in advance of a full and fair enquiry.

Both parties should seek immediate legal advice, because circumstances can vary from case to case.

Information to be Included When Making a Report

The ability of the HSE Children and Family Services or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much as possible of the following detail should be provided:

- (i) The name, address and age of the child (or children) for whom the report is being made;
- (ii) The name of the child's school;
- (iii) The name and contact details of the person reporting concerns;
- (iv) Whether the person reporting is a professional, a person working with children or a member of the public;
- (v) The relationship to the child of the person making the report;
- (vi) A full account of what constitutes the grounds for concern in relation to the protection and welfare of the child or children, e.g. details of the allegation, incident, dates, description of any injuries, etc;
- (vii) The names and addresses of the parents/carers of the child or children;
- (viii) The names of other children in the household;
- (ix) The name, address and details of the person allegedly causing concern in relation to the child or children;
- (x) The child's and/or parents/carers' own views, if known and relevant;
- (xi) The names and addresses of other personnel or agencies involved with the child or children, e.g. GP, social worker, public health nurse, Gardaí, etc;
- (xii) Any other relevant information.

Action by the Employer

When made aware of an allegation the Employer should arrange to 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 the appropriate authorities.
- The employee should 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.
- Once the matter has been reported to the authorities the employee should be offered the opportunity to respond to the allegation to the Employer within a specified time period.
- The employee should be informed that their response will be passed on to the Health Board.
- Appropriate liaisons take place between the Employer and the statutory authorities.
- In some circumstances the Employer may not be able to reach any definitive conclusions. In such situations the Employer should maintain regular and close liaison with those authorities and a decision on the school employee should be taken having due regard to the advice to the Employer by those authorities.
- Where an Employer has directed an employee to absent themselves from school, such an absence would not imply any degree of guilt on the part of the school employee.

Peer Abuse and Bullying

It is important that potentially abusive behaviour between children is not ignored, where appropriate certain cases should be reported to the health board.

- Normal Sexual Exploration
- Abuse Reactive Behaviour
- Sexually Obsessive Behaviour
- Abusive Behaviour by Adolescents and Young People

Inappropriate sexualised behaviour between children must be taken seriously

Meeting with Parents of the children involved in this type of behaviour may be required.

Inappropriate sexualised behaviour will require assessment by the health board, and appropriate therapeutic intervention. Early intervention is therefore crucial.

If you have concerns discuss these with DLP and follow reporting guidelines.

Largy College will ensure a safe and caring environment of all its students.

The child protection guidelines are complimentary and supportive of the schools anti-bullying, health and safety and critical incident policies.

References & Key Legislation

Children First, 2015

Child Care Act (1991)

Department of Education and Science (2004) . Child Protection Guidelines for Post-Primary Schools

Department of Education and Science. (1999). Children First: National Guidelines for the Protection and Welfare of Children.

Department of Children and youth affairs (2011) Children First: National Guidance for the Protection and Welfare of Children.

Health Service Executive (2011) Child Protection and Welfare Practice Handbook

Department of Health and Children (2002) Our Duty to Care- The Principles of Good Practice for the Protection of Children and Young People

Draft National Children's Standards (2010)

Sexual Offender's Act (2001)

United Nations Declaration in the Rights of the Child (1990)

Child and Welfare Amendment Act (2007)

THIS COPY IS AVAILABLE IN THE
CENTRAL RESOURCE LIBRARY ALSO
INCLUDED THERE FOR MEMBERS OF
THE SCHOOL COMMUNITY ARE THE
CHILDREN FIRST GUIDELINES 2011

Contact details

	HSE Cavan/ Monaghan Primary & Community child and Family Services	047 39051
Social Services	Rooskey Monaghan	047 30427 047 30426
Garda	Monaghan	047 77200
Ms Sharon Magennis	DLP	047 51132 EXT 100
Mr Shane Moran	DDL P	047 51132 EXT 221

Official websites

An Garda Síochána www.garda.ie

Department of Children and Youth Affairs www.dcyia.ie

Department of Education and Skills www.education.ie

Department of Health www.dohc.ie

Department of Justice and Law Reform www.justice.ie

Health Information and Quality Authority www.hiqa.ie

Health Service Executive www.hse.ie

Office of the Attorney General www.attorneygeneral.ie

Oireachtas of Ireland www.oireachtas.ie

Ombudsman for Children's Office www.oco.ie

UN Office of the High Commissioner for Human Rights
www.ohchr.org

Proposed Paddy n/c 14-6-17

Sec. Joanne Rehill
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Author: S. Moran, DDLP

John. Quill Champion 17/6/2017