



**St Columba's National School  
North Strand  
Dublin 3**

# **Child Protection Policy**

## Child Protection Policy

**This policy has been reviewed in line with the revised Children First: National Guidance for the Protection and Welfare of Children (2011). It was adopted by the Board of Management, Parents and Teachers on November 30<sup>th</sup> 2011.**

This Policy has been informed by the:

1. Children First: National Guidance for the Protection and Welfare of Children, (Revised 2011)
2. Child Protection Guidelines and Procedures, Department of Education and Science, 2001.
3. Child Protection and Welfare Practice Handbook - HSE (2011)

This Policy attempts to summarise these documents. The Primary aim of these guidelines is to give direction to all personnel in dealing with allegations/suspensions of child abuse.

What are the main categories of abuse?

**Neglect:** Where a child's need for food, warmth, shelter, nurturance and safety are not provided, to the extent that the child suffers significant harm.

**Emotional Abuse:** Where the child's need for affection, approval and security is not being met and has not been met for some time by their parent/carer.

**Physical Abuse:** Where the child is assaulted or injured in some way that is deliberate.

**Sexual Abuse:** Where the child is used sexually, by others.

These definitions are covered in greater detail in Children First: National Guidance for the Protection and Welfare of Children (2011) Part 2 (pages 8 & 9) and Appendix 1 (pages 70-74). Child Protection and Welfare Practice Handbook (2011) Section 1.4 / 1.5

When a child discloses

The safety and wellbeing of children must be a priority for all those working in / for schools. The following advice should be followed when a child discloses to any adult:

- Listen to the child
- Do not ask leading questions
- Keep calm - offer reassurance
- Explain that further help will be sought - it cannot be kept a secret
- Record the discussion accurately and retain the record

Guidelines for the recognition of child abuse

A list of indicators is contained in Appendix 1 "Children First" pages 70-74. No one indicator should be seen as conclusive.

There are commonly three strategies:

1. Considering the possibility
2. Looking out for signs
3. Recording the information

Even then, a child's situation and family circumstances should be considered, bearing in mind that child abuse is not restricted to any socio-economic group, gender or culture.

### Designated Liaison Person

The Board of Management must appoint a Designated Liaison Person - DLP - who is responsible for reporting to TUSLA (the Child and Family Agency) or the Gardaí and a Deputy Designated Liaison Person – DDLP. The DLP must follow procedures as in the Guidelines. A standard Reporting Form is available in the Guidelines (Appendix 3, pages 78 & 79).

It is the responsibility of TUSLA to investigate and/or interview all concerned, not the DLP.

The names of the DLP and the DDLP shall be displayed on a notice on the school notice board.

### Confidentiality

All information regarding concerns of possible child abuse should only be shared on a “need to know” basis. For instance, a parent/guardian will not be informed of reporting if it puts the child at further risk. This decision must be recorded.

In emergency situations, where TUSLA cannot be contacted and the child appears to be at risk, the Gardaí should be contacted immediately.

The Chairperson will normally be informed in advance of a report being made, but if immediate action is necessary, the Chairperson will be informed after the submission.

### Protection of persons reporting child abuse

The Protection of Persons Reporting Child Abuse Act 1998, provides immunity from civil liability to persons who report “reasonably and in good faith” to an appropriate person. This Act provides cover for all employees and all forms of discrimination up to and including dismissal; for clarity see below:-

(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that-

- (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused,
- or
- (b) a child's health, development or welfare has been or is being avoidably impaired or neglected,

unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

(2) The reference in *subsection (1) of this section* to liability in damages shall be construed as including a reference to liability to be the subject of an order providing for any form of relief.

Where the person provides information to the DLP or the Board Chairperson in the event that the information is wrong and could be seen to be a defamatory statement, the defence of qualified privilege would be available to such a person who has acted in good faith.<sup>1</sup>

### Freedom of Information Act

Members of the public may access reports relating to them through the Freedom of Information Acts 1997 and 2003. However, the Act also provides that public bodies may refuse access to information received by them in confidence.

### Allegations or suspicions re. a school employee

If an allegation of abuse is made against an employee, the most important consideration for the Board of Management is the protection and safety of the children, while the employee must be treated fairly, mindful of damage that can be done through false or malicious claims. The DLP only deals with the reporting to TUSLA, while the Chairperson and Board addresses the employment issue.

School employees, who receive allegations about, or suspect another employee, should report to the DLP. (See standard reporting procedures in section 3 of the Guidance document). [If the allegation is against the DLP, the Chairperson will assume the responsibility for reporting the matter to TUSLA.] The employee, the Chairperson and the DLP should inform the employee privately, that:

1. An allegation has been made against him/her.
2. The nature of the allegation.
3. Whether or not TUSLA or the Gardaí has been/will be informed.

The employee should be given a copy of the written allegation and any other relevant documentation. A written response should be obtained within a specific timeframe. If the nature of the allegation warrants immediate action the Board should be convened. Legal advice should be sought if administrative leave is being advised. This would not imply any degree of guilt, but is necessary for an investigation. The Department of Education and Skills should be informed of such advice. Strict confidentiality must be maintained by all Board members to respect due process and natural justice for all concerned.

At a meeting of the Board of Management on 12<sup>th</sup> March 2019, it was agreed that the following procedures would apply to child protection procedures in our school:-

That the Board of Management would confirm and ratify the names of the Designated Liaison and Deputy Designated Liaison persons in the area of child protection at the first Board of Management meeting of each academic year.

That the Child Protection Policy of our school shall be reviewed annually at the first Board of Management meeting of each calendar year and that this would include an audit of the Risk Assessment document.

That the Risk Assessment document shall be a living document and that it can be modified by the Board of Management or in urgent circumstances, by the Principal and staff of the school as the need arises.

### **School Year 2020-2021**

Designated Liaison Person (DLP) – Ann Creaner

Deputy Designated Liaison Person (DDL) – Emma Walkin

The Designated Liaison person shall normally be the Principal Teacher and the Deputy Designated Liaison Person shall be the Deputy Principal.

<sup>1</sup> Section 18 (1) and 18 (2) Defamation Act, 2009

18.— (1) Subject to [section 17](#), it shall be a defence to a defamation action for the defendant to prove that the statement in respect of which the action was brought would, if it had been made immediately before the commencement of this section, have been considered under the law (other than the Act of 1961) in force immediately before such commencement as having been made on an occasion of qualified privilege

(2) Without prejudice to the generality of *subsection (1)*, it shall, subject to [section 19](#), be a defence to a defamation action for the defendant to prove that—

(a) the statement was published to a person or persons who—

(i) had a duty to receive, or interest in receiving, the information contained in the statement, or

(ii) the defendant believed upon reasonable grounds that the said person or persons had such a duty or interest, and

(b) the defendant had a corresponding duty to communicate, or interest in communicating, the information to such person or persons.

Signed by the Rev'd Garth Bunting  
Chairman of the Board of Management  
St Columba's N.S.

on April 29<sup>th</sup> 2021