



## Child Safeguarding Staff Protocol

*Ratified: September 26, 2023*

### 1. Being Informed and Compliant

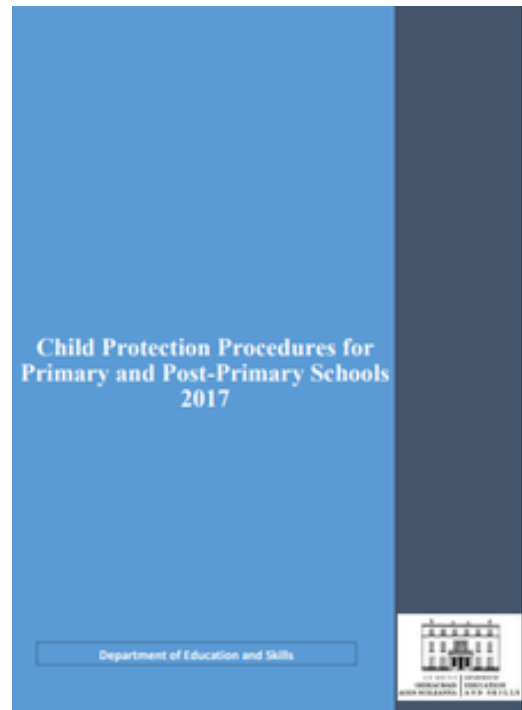
It is the duty and responsibility of all persons working in *Mol an Óige Community National School* to be informed of their legal obligations towards safeguarding children.

The following documents are on the school website, have been emailed to staff and are freely available online:

**Circular Number 0036/2023** <https://www.gov.ie/pdf/?file=https://assets.gov.ie/268555/4e7ca96f-558b-4b21-9234-56afa127b5d5.pdf#page=null>

**Children First** <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/children-first-national-guidance-for-the-protection-and-welfare-of-children-2017>

**Child Protection Procedures** <https://www.gov.ie/en/publication/fe465-child-protection-procedures-for-primary-and-post-primary-schools-2017/> ;



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All adults working in *Mol an Óige Community National School* are expected to be compliant with the requirements set out in the legalisation, guidelines and circular letter as above. Please check that you have completed the free Tusla Children First e-learning programme which takes about ninety minutes to complete: <https://www.tusla.ie/children-first/children-first-e-learning-programme/> and print off the certificate for inclusion in the Board of Management records.

## 2. 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 \_\_\_\_.

Do you understand?”

## 3. Reporting – Joint reporting

After an observation or disclosure, you are required to bring the matter to the attention of the Designated Liaison Person (DLP) – Orla Cotter - 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 – Elda Rush.

Where neither the DLP nor DDLP are in the school ring the DLP/DDLP. If you are leaving a message, please state clearly that it is a Child Safeguarding matter.

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If the concern raised by a child involves a teacher, the DLP will investigate the matter. If a concern is raised about the DLP then the matter will be referred to the Chairperson of the Board of Management. Where teachers have information that reaches a threshold of harm then they are required to make a report to Tusla. In this school this obligation will be satisfied by the process of joint reporting. 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. Teachers should only make a separate report if the threshold of harm has been reached and a joint report has not been made. 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.

### **Confidentiality**

All information regarding concerns of possible child abuse or neglect should be shared only on a “need to know” basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue. The assurance of confidentiality should not be given to a third party who imparts information.

However, giving information to those who need to have that information, for the protection of a child who may have been, is being, or is at risk of being abused or neglected is not a breach of confidentiality. In that regard School Care and Student Support Teams have a key role to play in promoting student welfare and monitoring students who may be at risk.

Please be aware that any Information shared by TUSLA with a mandated person after TUSLA accept a referral is subject to the following level of confidentiality:

‘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.’

### **Report Writing**

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 and may be used in subsequent investigations

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#### **4. Non – Reporting Professional**

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.

##### **2) Criminal Offences**

###### **i. DES CP Procedures 1.3.4 Criminal Justice Act 2006 – Reckless Endangerment**

Section 176 of the Act created an offence of reckless endangerment of children. This offence may be committed by a person, who has authority or control over a child or an abuser, who intentionally or recklessly endangers the child by:

- a) causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse or
- b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

###### **ii. DES CP Procedures, 1.3.6 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

Under this Act it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails, without reasonable excuse, to disclose that information as soon as it is practicable to do so to a member of An Garda Síochána.

The reporting obligations under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 are in addition to the reporting obligations under Children First National Guidance 2017 and the Children First Act, 2015.

##### **3. Employment**

DES CP 2017: 9.5.9 It should also be noted that failure by any member of school personnel to report a matter to Tusla where advised by Tusla to do so or to otherwise fail to comply with these procedures, is a disciplinary matter to be reported to and dealt with separately by the employer in accordance with the relevant disciplinary procedures.

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

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## 5. Protection when Reporting

### 1.3.3 Protections for Persons Reporting Child Abuse Act 1998

This Act protects a person making a report of suspected child abuse to designated officers of Tusla or of the Health Service Executive (HSE) or to members of An Garda Síochána as long as the report is made in good faith and is not malicious.

There are sanctions for malicious reporting.

## 6. 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. 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-

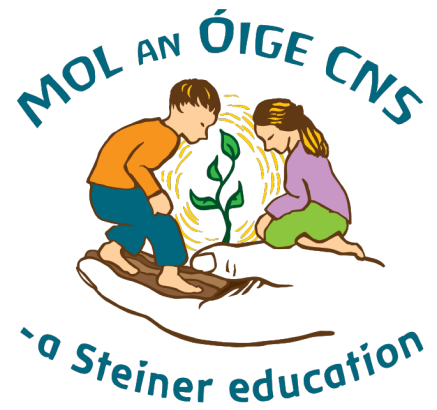
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treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in chapter 2 of these procedures. The threshold of harm for each category of abuse at which registered teachers as mandated persons 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.

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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.

### **What is the threshold for making a mandated report?**

As a mandated person, under the legislation you are 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, to the Authorised Person within Tusla.

### **Definition of Harm:**

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.

### **“Harm” means, in relation to a child:**

- (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or
- (b) sexual abuse of the child

For the period of distance / blended learning, all of the obligations entailed in this policy apply for both disclosures made face to face or online.

*Ratified by the Board of Management: November \_\_\_\_\_, 2023*

*To be reviewed: September 2024*

Signed: \_\_\_\_\_ Chairperson BOM

\_\_\_\_\_ Principal/Secretary BOM

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