



Policies and Procedures for the Protection of Children

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5	14/07/26	Governing Body (G.328)	• Minor change relating to changes to the DkIT Staff Garda Vetting Policy • Additions to the membership of the Child Protection Policy Committee

Policies and Procedures for the Protection of Children

1. Definitions

Child	A ‘child’ means a person under the age of 18 years.
Tusla	Child & Family Agency- the statutory agency responsible for child protection.
The Institute	Dundalk Institute of Technology (DkIT).
Vetting	Definition of service by Garda National Vetting Bureau.
GNVB	Garda National vetting Bureau. The Garda National Vetting Bureau deals with requests to vet prospective employees and students going on placement to relevant organisations under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.
Mandated Person	“Mandated person” means a person who is a person specified in Schedule 2 of the Children First Act 2015.
Mandated Disclosure	A disclosure made by a mandated person in accordance with the Children First Act 2015.
Non-mandated person	Any person employed by the Institute other than a mandated person.
Nominating signatory	Person responsible for ensuring authorised signatories are available to engage with the GNVB.
Authorised Signatory	Person(s) authorised to communicate with GNVB on behalf of Dundalk Institute of Technology.
Designated Liaison Person	A resource to any person who has a child protection concern. Designated Liaison Person (DLP). The DLP is responsible for ensuring that reporting procedures are followed correctly and promptly and act as a liaison person with other agencies, including Tusla.
Harm	“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, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise;

Institute Member	Any person at DkIT who is engaged in working with children whether as a staff member, agent, student or volunteer.
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2. Introduction

Whilst Dundalk Institute of Technology owes a duty of care to all its students, it also has a particular responsibility to ensure as far as practicable, that each child availing of the service is safe from harm while availing of that service'. (Children First Act 2015).

The Institute acknowledges that this responsibility applies whether the child is a student of the Institute or is otherwise under the care or supervision of Institute staff or students. This Policy is based on the statutory obligations under the Children First Act 2015 and the National Vetting Bureau (Children and Vulnerable Adults) Acts 2012- 2016 and the *“Children First – National Guidelines for the Protection and Welfare of Children”* (2017) and *“Child Safeguarding: A Guide for Policy, Procedure and Practice (Tusla 2024)”*.

In our work with children/young people the Institute shall always be guided by the principle of paramountcy which requires that the best interests of the child shall be the paramount consideration. (Section 7, Children First Act 2015).

Children may be present on the Institute premises or under the supervision or direction of Institute staff/ students in a wide number of circumstances including, for example:

- Institute students under the age of 18;
- Attending Summer programmes;
- Work experience placements or temporary employees;
- Attending open days;
- As visitors for any reason;
- Participating in outreach activities.

Children may be accompanied by a responsible adult e.g., a teacher or parent, but in other circumstances they may also be unaccompanied. Many programmes at the Institute require students to work directly with children during work placements and other Programme related activities.

3. Aims of the Policy

The aim of this Policy is to promote best practice in child protection within the Institute, and to set out a procedural framework to ensure that:

- Children are protected;
- Institute staff and students are equipped to make informed and confident responses to specific child protection issues;
- Institute management are equipped to make appropriate decisions in the event of specific child protection concerns arising.

4. Duties of the Institute

The Institute must ensure that:

- A risk assessment is undertaken for potential harm to children availing of services provided by DkIT. This must be reviewed as necessary.
- A Child Safeguarding Statement is prepared, communicated to staff and displayed in DkIT.
- Allegations made or concerns reported by children, or others to Institute staff or students are dealt with appropriately.
- New staff are subject to an agreed recruitment and selection procedure which includes an application process, the furnishing of references, an interview process and **relevant** garda vetting.
- All students and volunteers who work with children as part of their Programme are subjected to garda vetting.
- Child protection training is provided for those students and staff who work with children.
- Investigations into reported concerns or allegations are carried out in a proper and timely manner.
- Students and staff are made aware of support services available to them as required.
- An Garda Síochána, Tusla and other relevant statutory agencies are kept informed where necessary of any allegations or concerns that relate to children.
- All relevant authorised persons and structures for operation of this Policy are put in place and provided with appropriate training.

Institute Members have a responsibility to:

- Refrain from any inappropriate behaviour towards children;
- Avoid situations which could give rise to allegations of abuse;
- Report bullying of children;
- Report disclosures, suspicions or concerns of abuse that relate to children.

Any person working on behalf of or studying in the Institute found to have committed any act of abuse towards a child will be subject to the appropriate Institute's disciplinary proceedings and that person may also be the subject of criminal proceedings. With regards to a child protection issue, this policy takes precedence over all other Institute policies.

When an allegation of abuse is received, it will be assessed promptly and carefully by the Institute. Action taken in reporting an allegation of child abuse against an employee or student will be based on an opinion formed 'reasonably and in good faith'.

5. Child Protection Structures in DkIT

5.1 Child Protection Policy Committee

The Institute shall form a Child Protection Policy Committee. Its composition is outlined in Appendix 2. The function of this committee shall be as follows:

- To implement and monitor this Policy;
- To review the policy on an annual basis and make changes as required;
- To bring to the attention of the committee any issues relating to the policy that have been raised in their respective areas.

The Committee has representation from across Schools and Functional Areas in DkIT.

The Chair of the Child Protection Policy Committee shall:

- Convene meetings of the Committee as required but at least on an annual basis;
- Communicate as required to the Executive Board and Governing Body regarding the Child Protection Policy;
- As required act as the Institute spokesperson on issues relating to Child Protection.

5.2 Designated Liaison Person and Deputy Designated Liaison Person

The Institute will appoint a Designated Liaison Person (DLP) to act as a liaison with outside agencies. The DLP will act as a resource to any member of the Institute who has child protection queries or concerns. The DLP will also be responsible for reporting allegations of child abuse to Tusla and/ or An Garda Síochána, as appropriate. The DLP also has designated responsibility for ensuring that this Policy is promoted and implemented.

Where the DLP is unavailable or unable to act for whatever reason, the Institute shall nominate a Deputy DLP.

DLP

The role of the DLP involves the following duties:

- To be familiar with this Policy and the principles of good practice for the protection of children.
- To receive reports of alleged/suspected or actual child abuse and act on these in accordance with this Policy.
- To ensure mandated reports and non-mandated reports are referred to Tusla and/or An Garda Síochána. Mandated reports should be jointly referred by the DLP and the mandated person.
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues.
- To ensure compliance with the Children First Act 2015.
- To ensure compliance with the provisions of the Freedom of Information Acts 1997-2014 and the Data protection Acts 1998-2018 in relation to the documentation, reporting and investigation of all child protection issues.

The DLP and Deputy DLP along with any committee representatives must familiarize themselves with the key legislative provisions, with any appropriate guidelines and key publications and any new developments in best practice. Details of DkIT child protection personnel are outlined in Appendix 2.

5.3 Mandated Persons

Under the 2015 Act, Mandated Persons are people who have ongoing contact with children and families and who, because of their employment or profession, are in a key position to protect children from harm. There are additional obligations on Mandated Persons under the 2015 Act, due to the nature of their employment or profession, such that if Child Protection Concern comes to their attention, a Mandated Person is required to consider whether a threshold of harm is met to make a mandated report to. In accordance with this Policy:

- The Mandated Persons are required to inform the Designated Liaison Person as part of the reporting structure set out in this Policy of any allegations, suspicions or disclosures of child abuse; and
- Mandated Persons are required to ensure that reporting procedures are followed, so that reports that meet the threshold for mandated reports are made promptly to Tusla and/or to An Garda Síochána.

Mandated Persons are required to keep up to date with relevant child protection training. Mandated persons in accordance with Schedule 2 of the Children First Act 2015 are outlined in Appendix 1. Staff members of DKIT may fall into one of these categories and are therefore deemed to be mandated persons for the purpose of this Policy.

6. Best Practice for the Institute Community engaged in Activities involving children

6.1 All Institute members

- All institute members must familiarise themselves with this policy and attend information sessions organised by the Institute.

6.2 Institute members engaged in activity with children

- The VP for Academic Affairs and Registrar should at the start of each academic year notify the parents and guardians of children of the Child Protection Policy and bring to their attention that some aspects of academic programme content may be more appropriate to adult recipients relating specifically to the learning outcomes of their particular Programme.
- A process is in place in the Academic Schools whereby details of first year students who are children on particular programmes are kept on file within the School Offices. Staff who teach on these programmes are notified at the start of each Semester should they wish to review the file.
- Any agreement entered into by DkIT for the formal placement of DkIT students as part of their programme in circumstances in which the students may encounter children must be subject to the following conditions;
 - that the host placement organisation has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place;
 - that the organisation will notify the Placement Officer/Nursing Midwifery Allocations Officer who notifies the DLP of any complaints of which the

organisation is aware made against a DkIT student concerning child welfare issues.

- Where DkIT students through a College club or society engage in work with children as part of an arrangement with a partner organisation in the wider community, this arrangement must be subject to the following conditions;
 - that the partner organisation has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place,
 - that the partner organisation will notify the DLP of any complaints of which the organisation is aware made against a DkIT student concerning child welfare issues.
- Where members of the College community engage in volunteering activities with external organisations which have been advertised or promoted by a DkIT function i.e., a College office, club or society, the external organisation has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place. Screening, vetting or background checks will not be conducted by DkIT for this purpose. Irrespective of any referral, it remains the responsibility of the community voluntary organisation to operate safe recruitment procedures and take all due care to ensure that any volunteers accepted are suited to the roles assigned, particularly where the volunteers have access to children.

At all times members of the Institute community must ensure that:

- In situations where one to one contact with a child is required, best practice should be applied. All children are treated equally, and with respect and dignity;
- They demonstrate exemplary behaviour in the presence of children; safe, appropriately monitored environment is provided for any children visiting campus. In the interest of safe-guarding children, it is the responsibility of the accompanying parent/guardian to “appropriately monitor” their children.
- They adopt the safest possible practices to minimise the possibility of harm or accidents happening to children (while supporting children’s need for intellectual stimulation and the development of safety skills through appropriately supervised ‘risky play’, if appropriate). Keeping children safe, involves assisting them to develop their own skills in keeping themselves safe. It also involves providing them with opportunities to develop free from unnecessarily restrictive environments.
- They give enthusiastic and constructive feedback instead of negative criticism;
- They never use physical punishment;
- Always refer child abuse, welfare and safety issues to the DLP. If a member of the Institute is inhibited for any reason in reporting the incident internally to the DLP or where they are dissatisfied with the response, they should contact Tusla or An Garda Síochána.

Review the child protection policy prior to any visits to the college from groups involving children.

7. Garda Vetting and Staff Training

7.1 Garda Vetting

The Institute will ensure that all **relevant** staff and relevant students will receive Garda vetting in accordance with the relevant procedure

- **To include link to staff policy when updated**
- *Institute Garda/Police Vetting Procedures for students:*
https://www.dkit.ie/assets/uploads/documents/Careers_Resources/Policies/DKIT_Garda_Vetting_Policy_for_Students.pdf

7.2 Training

Staff who have specific child protection roles as outlined in this policy should be provided with appropriate training every 3 years.

All institute members will be expected to attend relevant information sessions in relation to this Policy as required from time to time.

Where young people, under 18 years, are assisting in the work of the the Institute, they will receive appropriate information on this Policy at a level suitable to their age and experience. These young people will always work in partnership with or under the supervision of a member of staff who is an adult.

8. Child Abuse

8.1 Defining Child Abuse

The Children First Guidance 2017, issued under section 6 of the Children First Act 2015, categorises child abuse into four categories namely:

- Neglect;
- Emotional abuse;
- Physical abuse and
- Sexual abuse.

A child may be subjected to one or more forms of abuse at any given time. Children First Guidance 2017 provides the following descriptions of abuse in Chapter 2 ([children-first-national-guidelines-for-the-protection-and-welfare-of-children-2017.pdf](#)). These are not legal definitions.

a. 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.

b. 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.

c. 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;
- (xi) allowing or creating a substantial risk of significant harm to a child.

d. 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;
- (vi) 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. It is also an offence for an adult in a position of trust to have sexual intercourse with a child under 18. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

Note: The definition of child sexual abuse presented above is not a legal definition and is not intended to be a description of the criminal offences relating to sexual assault.

8.2 Recognising Child Neglect and Abuse

Child neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of child abuse is provided below. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

8.2.1 Guidelines for recognition

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child neglect or abuse:

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) recording of information.

Stage 1: Considering the possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

Stage 2: Looking out for signs of neglect or abuse

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing in the context of this policy the DLP. The child should not be interviewed in detail about the alleged abuse without first consulting with Tusla. This may be more appropriately carried out by a social worker or An Garda Síochána. Less obvious signs could be gently explored with the child, *without direct questioning*. Play situations, such as drawing or story-telling, may reveal information.

Some signs are more indicative of abuse than others. These include:

- (i) disclosure of abuse by a child or young person;
- (ii) age-inappropriate or abnormal sexual play or knowledge;
- (iii) specific injuries or patterns of injuries;
- (iv) absconding from home or a care situation;

- (v) attempted suicide; Definition and Recognition of Child Abuse
- (vi) underage pregnancy or sexually transmitted disease;
- (vii) signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's social and family context.

It is important to be open to alternative explanations for physical or behavioural signs of abuse.

Stage 3: Recording of information

If neglect or abuse is suspected and acted upon, for example, by informing Tusla, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

The following examples would constitute reasonable grounds for concern:

- Specific indication or disclosure from the child that (s) he was abused;
- An account by a person who may have witnessed abuse taking place;
- Under-age pregnancy or sexually transmitted infection;
- Attempted suicide;
- Someone else (a parent, friend, co-worker) may disclose that a child has told them they are being abused, or may have witnessed the abuse themselves;
- Evidence, such as injury or behaviour which is consistent with abuse and unlikely to be caused another way;
- An injury or behaviour that is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, and implausible explanations as to the cause of the injuries/injury;
- Other indicators of abuse such as unusual behaviour by a child;
- Any information which may indicate that a child may be at risk e.g., disclosure of domestic abuse – consideration should be given to the possibility of the presence of children;
- Disclosure by adults of abuse they suffered as children - consideration should be given to the possibility of current risk to any child.

9. Dealing with disclosures of child abuse

In the event of a child disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally. The following are guidelines to support staff in this regard:

- 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;
- Advise that support will be offered but that the information must be passed on;
- Ask questions for clarification only. Do not ask leading questions (i.e., questions which prompt a “yes” or “no” answer);
- Confirm with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser;
- Do not confront the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the child understands the procedures which will follow in accordance with this Policy;
- Pass the information to the DLP, do not attempt to deal with the problem alone;
- Treat the information confidentially (i.e., ensure that the information is only passed on to those who need to know it).

The effective protection of a child in DkIT will depend on the willingness of the staff and students involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concern or assessment of child abuse or neglect will be shared on ‘a need to know’ basis in the interests of the child with the relevant statutory authorities.

No undertakings regarding secrecy can be given. This should be clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements. **The provision of information to the DLP and the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.**

10. Procedures in relation to allegations of child abuse

10.1 Allegations against a staff member/ student

If an allegation is made against a member of the Institute, all action will be guided by the rules of natural justice, and the procedural and contractual arrangements in force at that time. The most important consideration to be taken into account by the DLP and the Institute is the protection of children and their safety and wellbeing must be a priority.

The first priority should be that no Child is exposed to unnecessary risk and the Institute may have to consider necessary protective measures including temporary suspension in the case of a student or administrative leave in the case of a staff member. These measures should be proportionate to the level of risk and not unduly penalise the student or staff member unless necessary to protect children. If this is required it is a protection for all involved and is not a disciplinary sanction.

However, because of the involvement of a member of the Institute, the Institute and DLP have duties in respect of them as well. Members of the Institute may be subject to erroneous or malicious allegations. Therefore, any allegation of abuse must be dealt with sensitively and

the member of the Institute community treated fairly. This includes the right not to be judged in advance of a full and fair enquiry.

The person against whom the allegation is made will need support during this period and the Institute will provide advice on how to access the relevant support services.

Where an allegation against an Institute member is not upheld the Institute will ensure that the good name and office of the person subject to the allegation is preserved. Details of this allegation will not be maintained on the person's files and in this respect the Institute will fully comply with the provisions of both the Freedom of Information Act 2014 and the Data Protection Acts 1988 – 2018.

10.2. Allegation against a staff member

Where a claim is brought against a staff member the Human Resources Manager will meet with the staff member who shall be accompanied by a representative. They shall make every reasonable effort to advise the person against whom an allegation of child abuse has been made of the following:

- The fact that an allegation has been made against him/her;
- The available details of the nature of the allegation;
- Provide the member of staff with an opportunity to respond in writing to the allegation
- The member of staff will be advised that the written response may also be passed on to Tusla/An Garda Síochána if it is determined that reasonable grounds exist.

If an allegation is made against a staff member there are two procedures to be followed:-

1. Reporting procedures in accordance with this policy to Tusla and/or An Garda Síochána and
2. Relevant HR procedures applicable to staff members.

10.3 Allegation against a student

In a situation where a claim is brought against a student the Academic & Student Affairs Manager will be the Institute officer charged with advising the student as per above. They shall make every reasonable effort to advise the person against whom an allegation of child abuse has been made of the following:

- The fact that an allegation has been made against him/her
- The available details of the nature of the allegation;
- Provide the student with an opportunity to respond in writing to the allegation;
- The student will be advised that the written response may also be passed on to Tusla if it is determined that reasonable grounds exist.

If an allegation is made against a student there are two procedures to be followed:-

1. Reporting procedures in accordance with this policy to Tusla and/or An Garda Síochána and
2. Student Code of Conduct

10.4 Allegation of child abuse on a placement site

Students on placement in schools, colleges or with any other bodies providing services to children must comply with the Child Protection Guidelines/ Policies of those bodies and follow the steps outlined below in the case of a potential child protection issue arising:

- Students should in the first instance approach the DLP within the placement site who shall deal with it within the placement site. They should also notify their work placement supervisor;
- If this is not feasible or the response is not satisfactory the students should contact the DkIT DLP and their placement supervisor;
- Where relevant, the DkIT placement Officer will liaise with the relevant Head of Department regarding the continuance of otherwise of the student in the work placement site. In this case, the relevant Placement Officer will inform the placement site of the following:
 - a child protection concern has been raised about their organisation, and in line with DkIT's Child Protection Policy, the placement student will be removed from the placement site until the issue is resolved.

If the child protection concern raised is related to alleged practice issues on a work placement site, the student should in the first instance contact the relevant DkIT Placement Officer for the programme of study and furnish them with a written statement of concern.

11. Reporting procedures for child protection concerns

11.1 Reporting procedures for the Designated Liaison Person Reporting

Everyone must be alert to the possibility that children with whom they are in contact may be experiencing abuse or have been abused in the past.

The guiding principle in regard to reporting child abuse is that the safety and well-being of the child must take priority.

Concerns that a child has been harmed, is being harmed or is at risk of being harmed must be reported to the DLP.

Dundalk Institute of Technology has adopted the Tusla standard reporting form (see [Appendix 3](#) and available from the DLP) for making reports concerning child abuse. The more detail that is included in this form, the easier it will be to assess an allegation, concern or disclosure of abuse. The DLP shall ensure that proper records, dated and signed are retained. All records are highly confidential and are kept securely by the DLP. Details of allegations or actual incidents of abuse must be recorded.

The DLP is required to record information for the Institute records as follows:

- The date and time of disclosure, allegation or actual abuse incident;
- An indication of the parties involved (including third parties) including names and addresses;
- Details of what action the Institute has taken;
- The report from the member of the Institute who received the information or has concerns;
- Any suspicions consequent on the information and the factual grounds for such suspicions;
- Decisions not to inform or to inform a parent/guardian together with the reason;
- The response of the parents/guardians to the reported allegation;
- Details (dates, times, people, place) of any subsequent meetings and communications of interested parties;
- A decision re referral (or not) to Tusla, or An Garda Síochána, including how, why, when and by whom the decision was taken.

Reports which are made anonymously will be followed up but this may take longer and will make it more difficult for the professionals involved to assess the situation. If a person is unsure about the case, it may be useful to talk over the issue with the DLP or with a Tusla social worker before making an official report.

The DLP shall report any allegation of child abuse (as defined under the Act) by a member of the Institute to Tusla (Contact details are included in [Appendix 4](#)) or An Garda Síochána as appropriate and to the appropriate Institute office. The appropriate Institute office being:

- Where the incident involves a student the Vice President for Student Affairs and Registrar must be informed;
- Where the incident involves a staff member the Vice President for Finance & Corporate Affairs must be informed;
- In the case of someone other than a member of the Institute community the Vice President for Finance & Corporate Affairs must be informed.

Where an Institute staff member is working off campus and identifies potential child abuse or mistreatment, they should advise both the DLP and the appropriate child protection personnel in that institution or place of work.

The DLP may contact Tusla for informal advice relating to the allegation, concern or disclosure. After consultation with Tusla officials, the DLP will then take one of two options:

- i. Formally report the allegation, concern or disclosure to Tusla; or
- ii. Not make a formal report to Tusla but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The member of staff who made the initial report will be informed if a formal report is not being made to Tusla and it is open to him/her to make a formal report themselves directly to the relevant authority if they feel this is necessary.

In cases of an emergency, where it is believed that a child is at serious and imminent risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted.

Where a formal report is made, Tusla will then liaise with An Garda Síochána. It is likely that Tusla will want to speak to the person who first made the report to clarify facts and the circumstances of the report.

The DLP should inform the child's family if a report is likely to be submitted to Tusla, unless doing so is likely to endanger the child. A decision not to inform a parent/guardian shall be briefly recorded together with the reasons for not doing so. If, for any reason, it is not possible to inform the child's family the DLP should discuss with Tusla what action will be taken.

The DLP when making a report to the HSE in good faith is protected by law. The law does not require proof that the abuse in fact happened, only that there are reasonable grounds for concern that the abuse has occurred.

Note: 'The Protection for Persons Reporting Child Abuse Act, 1998' provides for immunity from civil liability to any person who reports child abuse '*reasonably and in good faith*' to designated officers or any member of An Garda Síochána. The Act provides significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal. The Children First Act 2015 provides civil immunity for mandated persons assisting Tusla in an investigation following a mandated disclosure.

Where a decision is made by the DLP not to make a report to Tusla, a record shall be made of the reasons for this decision.

11.2 Reporting procedures for Mandated Persons

It will be necessary to decide whether a formal report should be made to Tusla. There are two types of reports that can be made to Tusla; mandated reports and non- mandated reports.

Where an Institute member, including mandated persons, knows, believes or suspects that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, they shall without delay report this to the DLP.

Following the making of a report to the DLP, it must then be considered whether it is a mandated or non- mandated concern.

11.2.1 Mandated reports

The threshold for reporting mandated reports is contained in Section 14 of the Children First Act 2015. Section 14(1) states that,

'where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child—

- (a) has been harmed,*
- (b) is being harmed, or*
- (c) is at risk of being harmed,*

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency’.

Mandated persons have a legal obligation to make a report to Tusla under Section 14(1) of the Children First Act 2015. A report by a mandated person shall be jointly made with the DLP to Tusla.

Where the Mandated Person and DLP are unsure as to whether the threshold has been met for a mandated report, they should contact a Social Worker in Tusla to seek advice. Where Tusla advice that a report should be made, the report should be jointly made as soon as practicable.

Where a decision is made by the Mandated person and the DLP not to make a report to Tusla, a record shall be made of the reasons for this decision.

Mandated persons are required to cooperate with Tusla in their assessment into allegations reported, should it be required.

There is no obligation to make a mandated report where:

- i. the concern relates to consensual sexual activity as defined at section 14(3) of the 2015 Act and in Appendix 6;
- ii. the sole basis for the MP’s knowledge, belief or suspicion of harm is as a result of information s/he has acquired, received or become aware of from:
 - o Another MP, who has made a report to Tusla,
 - o A person, other than an MP, who has reported jointly with an MP to Tusla, unless an MP becomes aware of any additional information, in which case a further report should be made to Tusla;
- iii. information was received by the MP pursuant to his or her role in assisting Tusla with an assessment as to whether a child who is the subject of a report or any other child has been, is being or is at risk of being harmed; or
- iv. information is acquired by an MP outside the course of his/her professional work or employment on the basis of a personal rather than a professional relationship.

Mandated persons should be aware of the implications of failing to make a mandated report, should it emerge that a report should have been made. Tusla may make a complaint to the relevant regulatory body/ Fitness to Practise Committee of which the MP in question is a member. Information that a MP has failed to make a Mandated Report can be passed to An Garda Siochana. The information may then be disclosed as specified information during future vetting processes for the MP in question.

Failure to report information about an offence against a child that can lead to a prosecution is a criminal offence under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

11.2.2 Non- mandated report

Where a MP has information that falls below the threshold outlined above at 11.1..1 for making a mandated report, but there is still a reasonable ground for concern for a child they should report this to the DLP.

Where the MP and DLP believe that there are still reasonable grounds of concern for the threshold for making a non-mandated report, reasonable child protection or welfare concerns, they can seek advice from Tusla. A non-mandated report may subsequently be made if necessary.

Where non mandated persons have reasonable grounds for a child protection or welfare concern, they should contact the DLP. If the DLP is unsure as to whether reasonable grounds exist, they should consult with a Duty Social Worker from Tusla. (Children First Guidance 2017). Following this, the DLP will then decide whether they should make a report to Tusla.

8.3. 2 Protective measures

11.3 Legal Protection

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse ‘reasonably and in good faith’ to designated officers of Tusla, the Health Service Executive or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, an aggrieved person who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. Mandated persons are protected from civil liability under the Children First Act 2015.

11.4 Freedom of Information

Notwithstanding the requirement of all those involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals and are the property of the organisations that keep them. Under the Freedom of Information Act 2014, members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed and the ultimate arbiter is the Information Commissioner.

11.5 Data Protection Acts 1998 - 2018

The Data Protection Acts afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third

party had an expectation of confidence. Accordingly, it would not be necessary to provide any information that would identify a person making a child welfare report in response to a request under the Data Protection Acts.

12. Activities involving travel and overnight stays away from home

a. Travel

Where a child travels with staff to a class, meeting or other event, the Institute is responsible for the welfare of the child while travelling and while at the class, meeting or other event. In these instances, parental consent forms (See [Appendix 5](#)) must be completed by parents/guardians and a record must be kept of the emergency contact numbers supplied. Parents/guardians should also be asked to provide information in relation to any special needs which the child may have, including diet, medical needs, support needs, etc. A record should also be kept of this information.

It is not recommended that staff give lifts in their cars to individual children, especially for long journeys. Where this is unavoidable, it should be with the full consent of the parents/guardians and a senior member of staff at Dundalk Institute of Technology.

b. Overnight Stays

The following guidelines shall be observed where Institute activities involve children staying away from home overnight:

- Adequate and safe transport arrangements must be made;
- Parent/guardian consent must be obtained for each participant, prior to the trip, including information on each participant about the following:
 - Contact details of parent/guardian and another person named by the parent/guardian in the event of the parent/guardian not being available in an emergency;
 - All relevant medical information for the participant and consent for medical intervention, if necessary;
 - Any special needs which the participant may have, including diet, medical needs, support needs, etc.;
- All relevant information including contact details, allergies, medicines, dietary needs etc. for the child must be kept by a member of staff on the trip;
- Parents/guardians will be fully informed of the programme or timetable for the event and should be given a copy of the programme;
- Parents will be given full contact details of the centre/hotel/accommodation and also of the member of staff in charge of the event.

13. Best practice for staff/students undertaking research involving children

Research involving children/vulnerable adults must be approved by either the School Ethics Committee or if necessary, the Institute's Research Ethics Committee prior to the

commencement of the work. The 'DkIT guidelines on the conduct of ethical research in human participants' should be consulted. In addition, they must also ensure that:

- Informed consent is obtained from the parents/guardians of children;
- Informed assent must also be obtained from the children themselves. Children need to be informed in appropriate language so that they understand the purpose of the research for which they have agreed to participate;
- The effect of the research on the child must be monitored to ensure that they feel comfortable with continuing with the research;
- In addition to the child one other person should be present during the research. There may be rare occasions when a confidential interview or a one-to-one meeting is necessary and, in such circumstances, the interview should be conducted in a room with an open door or visual access.

14. Communication of Child Protection Guidelines to Institute members

New employees of the Institute will be informed of this policy as part of the Institute staff induction process. Employees of associated organisations such as campus companies and research centres will ensure that all staff are advised of this policy. Students shall be informed of these guidelines during orientation week. The policy shall be published on the Institute website and copies shall be included in staff and student handbooks.

15. Review of the Policy

The Institute is committed to ensuring the safety and welfare of all children and welcomes comments from staff, children and their parents/guardians in relation to this Policy. The Policy and operation of same shall be reviewed on an annual basis by the Institute Child Protection Committee (Appendix 2).

APPENDIX 1

Mandated Persons

The following persons are mandated persons in accordance with Schedule 2 of the Children First Act 2015. Staff members of DKIT may fall into one of these categories and are therefore deemed to be mandated persons for the purpose of this Policy.

1. Registered medical practitioner within the meaning of Section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of Section 2 (1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of Section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of Section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with Section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - a. manager of domestic violence shelter;
 - b. manager of homeless provision or emergency accommodation facility;
 - c. manager of asylum seeker accommodation (direct provision) centre;
 - d. addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - e. psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - f. manager of a language school or other recreational school where children reside away from home;
 - g. member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - h. director of any institution where a child is detained by an order of a court;

- i. safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- j. childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- k. person responsible for the care or management of a youth work service within the meaning of Section 2 of the Youth Work Act 2001.

16. Youth worker who:

- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of Section 3 of the Youth Work Act 2001 or a related discipline, and
- (b) is employed in a youth work service within the meaning of Section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

APPENDIX 2

Authorised persons of DkIT in respect of the protection of children

Authorised Signatory for Garda Vetting:

Staff and Students: Sarah Byrne, Human Resource Manager
Kathleen Maddy, Garda Vetting Liaison Officer

Designated Liaison Person:

Designated Liaison Person: Ms. Siobhan Molloy, Ending Sexual Violence & Harassment Manager
Deputy Designated Liaison Person: Ms Patricia Rahill, Lecturer, School of Business & Humanities

Institute Child Protection Committee:

Dr. Edel Healy, Head of School of Health & Science (Chair)
Ms Sarah Byrne, Human Resources Manager
Ms. Siobhan Molloy, Ending Sexual Violence & Harassment Manager (DLP)
Ms. Sinead Dunne, Admissions Officer
Ms. Linda Murphy, Administration & Student Affairs Manager
President DkIT Students Union
Dr. John Reid, School of Health & Science
Ms Patricia Rahill, School of Business & Humanities (Deputy DLP)
Dr. Aoife Watters, School of Business and Humanities
Mr. David Cranny, School of Business & Humanities
Mr. Dermot Clarke, School of Engineering
Ms. Alice Hoey, School of Informatics & Creative Arts
Ms Angela Foley, Placement Development Office
Ms Elaine Cunniffe, Placement Development Co-Ordinator

APPENDIX 3

Standard Form for Reporting Child Protection Concerns

https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

APPENDIX 4

Relevant Contact Details

Tusla Duty Social Workers:

- Child and Family Agency, Meath Enterprise Centre, Trim Road, Navan, Co. Meath Tel: 046 9098560 (covers Louth and Meath)
- Child and Family Agency, Hampton Court, Cootehill Road, Co. Cavan. Tel: 049 4369801 Child & Family Agency, 1st Floor, Support Services Building, Rooskey, Co. Monaghan. Tel: 049 4369801
- Duty Social Work Department, 180-189 Lake Shore Drive, Airside Business Park, Swords Tel: (01) 8708000 (covers Dublin North)

These contact details were correct at the time of publication but may change.

Garda Siochana, Dundalk:

Dundalk Garda District HQ,
The Crescent,
Dundalk,
Co. Louth.
Tel: +353 42 938 8400

APPENDIX 5

Parental/Guardian Consent Form for Students under 18 years of age

This form must be completed and returned to: _____ (Specify organiser/point of contact with DKIT)

For attendance at: _____ (Specify event)

Student Name: _____

Student Address _____

Student date of birth: _____

Student contact phone number: _____

Student email address: _____

Gender (tick as appropriate): Male ☐ Female ☐

Other relevant information: (Please mention any medical conditions, special needs or dietary requirements that we should be aware of.)

Contact phone number for parent/guardian: _____

Please tick the following boxes (whichever applies):

- ☐ I give permission for the student named above to travel to the event specified above.
- ☐ I give permission for the student named above to stay overnight in relation to the specified event on the following dates: _____

I understand that there will be suitable supervision for the specified event.

The DkIT contact person for the specified event is: _____ and he/she may be contacted over the duration of the said event at the following contact phone number: _____

Signed: _____ Signed: _____ Date: _____
(Parent / Guardian) (Student)

Name of parent / guardian: _____

Relationship to student: _____

Address of parent / guardian: _____

APPENDIX 6

Exemptions for mandated person required to report on certain types of sexual activity

Under the Criminal Law Sexual Offences Act 2006 the age of consent to engage in sexual activity is 17. There are however a number of exemptions where engaging in sexual activity below the age of 17 may not be regarded as criminal activity, and therefore mandated persons may not be required to report it.

Under S14(3) of the Children First Act 2015 a mandated person shall not be required to make a report to Tusla where they know or believe that: -

- the children concerned are between the ages of 15 and 17 years;
- there is not more than two years in age difference between the children concerned;
- there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned;
- the relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party;
- and the child concerned has made known to the mandated person their view that a report should not be made to Tusla and the mandated person relied upon that view.

Once all of the above criteria have been met, the MP does not have to make a mandated report to Tusla.