



Polices and Procedures for the Protection of Children

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Version Control and Change History

Version Control	Date Effective	Approved By	Amendment(s)
1	15/12/2011	Governing Body	Approved
2	27/07/2015	Governing Body	<p>Amendments Approved:</p> <ul style="list-style-type: none"> • All references to the HSE are replaced with references to Tusla throughout the document given that they have taken over responsibility for child protection from the HSE. • Contact details for duty social workers in the region have been updated. • It is indicated that all new staff will now need to be police vetted in line with changes in legislation. Previously only staff who worked directly with children had to be vetted e.g. staff working on early years programmes visiting creches etc. • Clarity is provided on the Child Protection structures within DkIT defining in a more detailed manner the roles of all parties involved. • Procedures for dealing with child protection issues while on work placement and during volunteering activities are updated based on previous experiences with same. • Updates on relevant legislation are provided. • A number of minor editorial changes have been made throughout the document.

Policies and Procedures for the Protection of Children

July 2015

1. Definitions

A Child	A 'child' means a person under the age of 18 years, excluding a person who is or has been married.
Tusla	Child & Family Agency
The Institute	Dundalk Institute of Technology
Vet	Definition of service by Garda Central Vetting Unit
CVU	<p>Garda Central Vetting Unit. The Garda Central Vetting Unit deals with requests to vet certain prospective employees and students working with vulnerable persons, including:</p> <ul style="list-style-type: none">• Prospective employees of the Health Service Executive and agencies funded by the Health Service Executive where the work involves access to children and vulnerable adults.• New employees and volunteers in the youth work sector and certain sports organisations• Staff, students and volunteers in the childcare sector• Staff working in care homes for older people• Staff working in educational institutions for children and young people
Nominating signatory	Person responsible for ensuring authorised signatories are available to engage with the GCVU
Authorised Signatory	Person (s) authorised to communicate with GCVU on behalf of Dundalk Institute of Technology
Child Protection Officer	Person (s) authorised to deal directly, on behalf of DKIT with concerns raised regarding abuse of children.

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

2. Introduction

Whilst Dundalk Institute of Technology owes a duty of care to all its students, it also has a particular responsibility to safeguard *'the welfare of any individual under the age of 18 who under Irish law is determined as being a child, excluding a person who is married or who has been married'* (Child Care Act 1991)

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 *"Children First – National Guidelines for the Protection and Welfare of Children"* (August 2011) and *"Our Duty to Care – The Principles of Good Practice for the Protection of Children and Young People"*

In our work with children/young people the Institute shall always be guided by the principle of paramountcy which requires that *'the welfare of the child should be the paramount consideration'* [Children First; Principles for Best Practice in Child Protection; 1.1.1 (i)].

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

- Institute students/apprentices under the age of 18
- Attending Summer programmes
- Work experience placements or temporary employees
- Attending open days
- As visitors for any reason
- Attending summer camps

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 and during work placements and other Programme related activities.

Details of all relevant national legislation and guidelines are included in Appendices 1 and 2.

3. Aims of the Guidelines

The aim of these guidelines 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:

- 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 and an interview process and police vetting.¹
- All students and volunteers who work with children as part of their Programme are subjected to police vetting
- That investigations into reported concerns or allegations are carried out in a proper and timely manner.
- Students and staff are made aware of counselling 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 subject of criminal proceedings.

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'.

It will be necessary to decide whether a formal report should be made to Tusla. This decision will be based on reasonable grounds for concern, as outlined in Chapter 3 of 'Children First' the national guidance for the protection and welfare of children. The first priority is to ensure that no child is exposed to unnecessary risk. The Institute will as a matter of urgency take any necessary protective measures. These measures will be

proportionate to the level of risk and will not unreasonably penalise the employee or student, financially or otherwise, unless necessary to protect children. Where protective measures penalise the employee or student, it is very important that early consideration be given to the case.

Any action taken will be guided by agreed procedures, the applicable employment contract and the rules of natural justice.

The President of the Institute will be informed about the allegation as soon as possible.

When the Institute becomes aware of an allegation of abuse of a child or children by an employee or student during the execution of that employee's duties or the student's course of studies, the Institute will privately inform the employee/student of the following:

- (i) the fact that an allegation has been made against him or her;
- (ii) the nature of the allegation.

The employee/student will be afforded an opportunity to respond. The Institute will note the response and pass on this information if making a formal report to Tusla. The Institute will take care to ensure that actions taken by the Institute will not undermine or frustrate any investigations/assessments conducted by the Tusla or An Garda Síochána. The Institute will maintain a close liaison with the statutory authorities to achieve this objective.

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 3. 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 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;
- In the event of an allegation of child/vulnerable adult abuse made against a student or member of staff which has been notified to the Child Protection Officer convene and chair meetings of such staff as are deemed appropriate with the aim of promptly

and effectively to satisfactorily handle the allegation. The Chair may invite external child protection experts to the meetings if so required.

- For allegations against a student the meetings should be attended by:
 - A representative from the Registrar's Office
 - A representative from the School Management Team

For allegations against a staff member the meeting should be also be attended by the Human Resources Manager

- Participants in such meetings shall be bound by the requirements of this policy , specifically in relation to the duty of confidentiality;
- As required act as the Institute spokesperson on issues relating to Child Protection.

For DKIT the Chair of the Child Protection & Policy Committee shall be Dr. Edel Healy.

5.2 Child Protection Officer and Deputy Child Protection Officer

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

Where the CPO is unavailable or unable to act for whatever reason², the Institute shall nominate a Deputy CPO.

For Dundalk Institute of Technology the CPO will be Ms Catherine Staunton and the Deputy CPO shall be Ms. Patricia Rahill.

The role of the CPO involves the following duties:

- To be familiar with this Policy, 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 build a working relationship with Tusla, An Garda Síochána and other agencies, as appropriate;
- 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 provisions of the Freedom of Information Acts 1997 and 2003 and the Data protection Acts 1998 and 2003 in relation to the documentation, reporting and investigation of all child protection issues.

5.3 Child Protection Contact Persons

² It should be noted that child protection queries/concerns relating to work placement sites should always be reported in the first instance to the Deputy CPO due to Ms.Staunton's role in the Work Placement Office and the potential conflict of interest.

It is recommended that each School and Student Services should appoint a designated Child Protection Contact Person. The role of the Child Protection Contact Person is to:

- Provide information and advice on child protection to staff and students within their area as required
- Ensure that any incidents of which they are made aware within their area are reported to the CPO.
- To be a member of the Institute Child Protection Committee

Although the contact person can provide immediate support to those with queries, all enquiries and incidents must be reported to the CPO. The following are guidelines to clarify the role of the Child Protection Contact Persons:

- If the enquirer is simply seeking information and/or clarification as regards the DkIT Child Protection Policy and the enquiry does not identify any specific issue of concern in respect to a child then it is only necessary to record the fact that the person sought such information or clarification. The CPO must be informed as to the identity and nature of the enquiry but normally no further action will be required.
- If the person making contact is raising an issue of child protection either in respect to themselves or another person the following guidelines should apply:
 - a. Tell the person that if they disclose a child protection issue you are required under the policy to refer it to the CPO within DkIT.
 - b. Write brief notes of what they are telling you as soon as you can or while they are speaking.
 - c. Keep your original notes, however rough and even if you wrote on the back of something else (it's what you wrote at the time that may be important later – not a tidier and improved version you wrote up afterwards!).
 - d. If you don't have the means to write at the time, make notes of what was said or observed as soon as possible afterwards.
 - e. Reassure them that they have done the right thing in telling and that it will be dealt with appropriately and in accordance with the DKIT Child protection policy.
 - f. Once you have followed the points above, you now need to act promptly. You need to inform the CPO as soon as possible of all the facts and provide the CPO with a written record of the disclosure.

The CPO and Deputy CPO along with any locally appointed contact person 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 3.

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

- 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 organization has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place,
 - that the organization will notify the relevant head of Department (who in turn notifies the CPO) of any complaints of which the organization 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 organization in the wider community, this arrangement must be subject to the following conditions;
 - that the partner organization has full responsibility for ensuring that appropriate child protection policies and practices complying with national guidelines are in place,
 - that the partner organization will notify the CPO of any complaints of which the organization 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 organization 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 organization 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.
- 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 CPO within the placement site.
 - If this is not feasible they should make contact with the School Child Protection Contact Person.
 - Students will be requested to put their concerns in writing to the relevant CPO.
 - 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.

- 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, a child protection investigation has been initiated
 - the placement student will be removed from the placement site until the issue is resolved

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

- In situations where one to one contact with a child is required, staff are advised to apply best practice. For example:
 - Where practicable keep the door open
 - Where practicable use a room that provides visibility
- Treat all children equally, and with respect and dignity;
- Demonstrate exemplary behaviour in the presence of children;
- Provide a safe, appropriately monitored environment 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.
- 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.
- Give enthusiastic and constructive feedback instead of negative criticism;
- Never use physical punishment;
- Always refer child abuse, welfare and safety issues to the CPO. If a member of the Institute is inhibited for any reason in reporting the incident internally to the CPO 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 appropriate staff and students will receive Garda vetting in accordance with the relevant procedure

- *Policy on Garda Vetting and the Disclosure of Criminal Convictions for staff members (under development).*

- *Institute Garda/Police Vetting Procedures for students:*
http://ww2.dkit.ie/student_life/student_services/placement_office/policy_documentation_publications/dkit_garda_police_vetting_policy

7.2 Training

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

8.1.1 Defining Child Abuse

Child abuse can be categorised 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 (the National Guidelines for the Protection and Welfare of Children, 2011 edition) adopted the following definitions of abuse:

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. 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 Tusla. 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.

8.3 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 CPO, 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 CPO and the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.**

8.4 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 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.

8.5 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 Acts 1997 and 2003, 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. At present, these Acts apply to the HSE, but not to An Garda Síochána.

8.6 Data Protection Acts 1988 and 2003

The Data Protection Acts 1988 and 2003 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 applies to records held by the HSE and An Garda Síochána. However, 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.

8.6.1 Reporting Procedures in Respect of Child Abuse

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 (or is at risk or being harmed) must be reported to the Designated Person (Child Protection Coordinator).

Dundalk Institute of Technology has adopted the Tusla standard reporting form (see Appendix 4 and available from the CPO) 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 CPO shall ensure that proper records, dated and signed are retained. All records are highly confidential and are kept securely by the CPO. Details of allegations or actual incidents of abuse must be recorded.

The CPO 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 CPO or with a Tusla social worker before making an official report.

The CPO shall report any allegation of child abuse by a member of the Institute to Tusla (Contact details are included in Appendix 5) or An Garda Síochána as appropriate and to the appropriate Institute office. The appropriate Institute office being:

- Where the incident involves a student the Registrar must be informed
- Where the incident involves a staff member the Secretary/Financial Controller must be informed.

- In the case of someone other than a member of the Institute community the Secretary/Financial Controller must be informed.
- Where an Institute staff member is working off campus and identifies potential child abuse or mistreatment they should advise both the CPO and the appropriate child protection personnel in that institution or place of work.

The CPO may contact Tusla for informal advice relating to the allegation, concern or disclosure. After consultation with Tusla officials, the CPO 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 CPO 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 CPO should discuss with Tusla what action will be taken.

The CPO 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 ground 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

9. 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 6) 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.

10. 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.

11. Allegations against a member of the Institute

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 CPO and the Institute is the protection of children and their safety and wellbeing must be a priority. However, because of the involvement of a member of the Institute, the Institute and CPO 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.

Where a claim is brought against a staff member the Secretary/Financial Controller will meet with the staff member who shall be accompanied by a representative. He 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 if it is determined that reasonable grounds exist.

In a situation where a claim is brought against a student the Registrar will be the Institute officer charged with advising the student as per above.

Following an allegation against a member of the Institute community, which is deemed to have substance, any next steps should be made in consultation between the relevant Institute officer, Tusla and if appropriate An Garda Síochána.

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 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 Acts 1997 – 2003 and the Data Protection Acts 1988 – 2003.

12. 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

13. 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 3).

APPENDIX 1

References

The following legislative provisions and key publications were taken into account when developing this document:

- The Child Care Act, 1991, as amended: <http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html>
- Protection for Persons Reporting Child Abuse Act, 1998: <http://www.irishstatutebook.ie/1998/en/act/pub/0049/index.html>
- Child Protection: Guidelines and Procedures (2001) Department of Education and Science: http://www.education.ie/servlet/blobervlet/padmin_child_protection.pdf
- Our Duty to Care: The principles of good practice for the protection of Children and Young People (2004) Department of Health and Children: http://www.dohc.ie/publications/our_duty_to_care.html
- Safety, Health and Welfare at Work Act, 2005: [http://www.hsa.ie/eng/Legislation/Acts/Safety Health and Welfare at Work/SI No 10 of 2005.pdf](http://www.hsa.ie/eng/Legislation/Acts/Safety_Health_and_Welfare_at_Work/SI_No_10_of_2005.pdf)
- DKIT 'Health and Safety Statement': http://ww2.dkit.ie/about_dkit/health_safety/safety_statements
- Children First: National Guidelines for the Protection of Children (2011) Department of Health and Children: http://www.dohc.ie/publications/children_first.html
- DKIT 'Guidelines on the conduct of ethical research in human participants': WEBLINK
- DKIT 'Policy on Garda Vetting and the Disclosure of Criminal Convictions for Staff Members': UNDER REVIEW
- DKIT 'Institute Garda Vetting Procedures for students participating in work placements with children and vulnerable adults': http://ww2.dkit.ie/student_life/student_services/placement_office/policy_documentation_publications/dkit_garda_police_vetting_policy

Appendix 2

Relevant Legislation

Data Protection Acts 1988 and 2003

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

Child Care Act 1991

The purpose of the Child Care Act 1991 is to 'update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk'. The main provisions of the Act are:

- (i) the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
- (ii) the strengthening of the powers of the HSE to provide child care and family support services;
- (iii) the improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger;
- (iv) the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE;
- (v) the introduction of arrangements for the supervision and inspection of pre-school services;
- (vi) the revision of provisions in relation to the registration and inspection of residential centres for children.

Domestic Violence Act 1996

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

- (i) **Safety Order:** This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.
- (ii) **Barring Order:** This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person's circumstances with a view to:

- (i) applying for a Care Order or a Supervision Order under the Child Care Act 1991;
- (ii) providing services or assistance for the dependent person's family; or
- (iii) taking any other action in respect of the dependent person.

Non-Fatal Offences against the Person Act 1997

The two relevant provisions of this Act are:

- (i) it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;
- (ii) it describes circumstances in which the use of reasonable force may be justifiable.

Freedom of Information Acts 1997 and 2003

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

- (i) to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it;
- (ii) to enable persons to have corrected any personal information relating to them in the possession of such bodies;
- (iii) to provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and of the operation of the Acts generally;
- (iv) to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

- (i) right of access to this information, subject to certain conditions;

Protections for Persons Reporting Child Abuse Act 1998

This Act came into operation on 23 January 1999. The main provisions of the Act are:

- (i) the provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Síochána;
- (ii) the provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;

- (iii) the creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence, designed to protect innocent persons from malicious reports.

A wide range of nursing, medical, paramedical and other staff has been appointed as designated officers for the purposes of this Act

Section 6 of the Act is a saving provision, which specifies that the statutory immunity provided under the Act for persons reporting child abuse is additional to any defences already available under any other enactment or rule of law in force immediately before the passing of the Act.

Education Act 1998

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

Education (Welfare) Act 2000

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the release of social work or medical records contains information that would be harmful to a person's well-being, the release may be made to a health professional who acts on the person's behalf. **Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.**

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

- (i) protecting records covered by legal professional privilege;
- (ii) protecting records that would facilitate the commission of a crime;
- (iii) protecting records that would reveal a confidential source of information.

Children Act 2001

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute. The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development. The act is currently the subject of significant amendment as a result of a bill published in May 2015.

Criminal Justice Act 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children'. It states:

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) causing or permitting any child to be placed or left in a situation which 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, is guilty of an offence.'

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

The Act provides a statutory basis for the existing procedures whereby the Garda criminal records database is used to vet persons applying for employment working with children or vulnerable adults. These vetting procedures already operate under the Children First national guidelines. The primary purpose of the Act is to put the procedures that have been developed to vet these applications into law. More importantly, the Act also makes it mandatory for persons working with children or vulnerable adults to be vetted, whereas at present this is done on the basis of a voluntary code. The Act will also create offences and penalties for persons who fail to comply with its provisions.

In addition, the Act provides for the use of "soft" information, which is referred to as "specified information" in the Act. "Specified information" is information other than a court determined criminal record. For example, "specified information" includes conclusions from investigations of child abuse or neglect that have been conducted by TUSLA, where such investigations have concluded that a person poses a threat to children or vulnerable persons.

"Specified information" also includes similar conclusions arising from fitness to practise inquiries by statutory bodies such as those conducted by the Medical Council, the Nursing Council or the Teaching Council. "Specified information" also includes information arising from Garda investigations of criminal offences where a prosecution has not been taken but

where there is a bona fide concern that a person poses a threat to children or vulnerable adults. The Act sets out procedures to allow the disclosure of specified information for vetting purposes. It is important to note that before such information can be disclosed, the person who is the subject of the information must be given a copy of that information and must be given the opportunity to challenge the proposed disclosure. The Act also provides that a disclosure of such information will only occur where there is a bona fide concern that the person poses a threat to children or vulnerable persons, and the information has been assessed for its reliability and relevance, and the disclosure is in accordance with principles of natural justice. The Act provides for the appointment of an independent appeals officer who will be responsible for assessing and deciding appeals against the proposed disclosure of specified information.

The Schedule to the Act lists in detail the types of work or activities that require vetting. These include child care services; schools; hospitals and health services; residential services or accommodation for children or vulnerable persons; treatment, therapy or counselling services for children or vulnerable persons; provision of leisure, sporting or physical activities to children or vulnerable persons; and promotion of religious beliefs.

The act has not yet been commenced but it is understood that it will be commenced by November 2015. DkIT already operate in accordance with the provisions of the act on an administrative basis.

APPENDIX 3

Authorised persons of DkIT in respect of the protection of children

Authorised Signatory for Garda Vetting:

Staff: Gerald O Driscoll, Human Resource Manager
Students: Fergal Smyth, Admissions Officer

Child Protection Officer:

Child Protection Officer : Ms. Catherine Staunton
Deputy Child Protection Officer : Ms Patricia Rahill

Institute Child Protection Committee:

Dr. Edel Healy, Head of School of Health & Science (Chair)
Mr. Gerald O Driscoll, Human Resources Manager
Ms. Catherine Staunton, Placement Co-ordinator
Mr. Fergal Smyth, Admissions Officer
Ms. Linda Murphy, Administration & Student Affairs Manager
Mr. James Clarke, President Students Union
Ms. Isolde Gavin, School of Health & Science
Ms Patricia Rahill, School of Business & Humanities
Ms. Katherine Nugent, School of Business & Humanities
Mr. David Cranny, School of Business & Humanities
Mr. Brendan MacQuillan, School of Engineering
Ms. Alice Hoey, School of Informatics & Creative Arts

Child Protection Contact People:

Ms. Isolde Gavin, School of Health & Science
Ms. Alice Hoey, School of Informatics & Creative Arts
Mr. Brendan MacQuillan, School of Engineering
Ms. Linda Murphy, Registrars Office
Ms. Katherine Nugent, School of Business & Humanities
Mr. David Cranny, School of Business & Humanities
Ms. Louisa Goss, School of Business & Humanities

APPENDIX 4

Standard Form for Reporting Child Protection Concerns

Download:

http://www.tusla.ie/uploads/content/Children_First_SRF.pdf

APPENDIX 5

Relevant Contact Details

Tusla Duty Social Workers

- Child & Family Agency, Social Work Department, Tusla Offices, Louth Hospital Campus, Dundalk, Co. Louth. Tel: (042) 9392200
- Child & Family Agency, Social Work Department, Ballsgrove Health Centre, Ballsgrove, Drogheda, Co. Louth Tel: (041)
- Child & Agency, Drumalee Cross, Co. Cavan. Phone (049) 4377305/ (049) 4377306
- Child & Family Agency, Duty Social Work Department, Navan Enterprise Centre, Trim Rd, Navan, Co. Meath. Tel: (046) 9097870
- iChild & Family Agency, 1st Floor, Support Services Building, Rooskey, Co. Monaghan. Tel:(047) 30426
- Duty Social Work Department, 180-189Lake Shore Drive, Airside Business Park, Swords Tel: (01) 8708000
- Duty Social Work Department, Health Centre, Cromcastle Road, Coolock, Dublin 5. Tel: (01) 816 4200 /8160314

Garda Siochana, Dundalk:

Dundalk Garda District HQ

The Crescent
Dundalk
Co. Louth

Tel: +353 42 938 8400

APPENDIX 6

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: _____
(Parent / Guardian) (Student)

Date: _____

Name of parent / guardian: _____

Relationship to student: _____

Address of parent / guardian: _____