Child Protection 2023

Updates to INTO Website

Procedures and Compliance

Procedures

Child Protection Procedures are set out in [Circular](https://www.gov.ie/pdf/?file=https://assets.gov.ie/268555/4e7ca96f-558b-4b21-9234-56afa127b5d5.pdf#page=null) 0036/2023

[Child](https://www.gov.ie/pdf/?file=https://assets.gov.ie/268613/39868a39-1de4-4890-97a0-2fa388a8a2a9.pdf#page=null) Protection Procedures for Schools (pdf) reflect Children First: National Guidance for the Protection and Welfare of Children 2017 (pdf) and the Children First Act (2015)

The 2017 procedures stipulate that all BOMs are required to formally adopt and implement these revised procedures as part of the school’s CSS.

Child Protection Procedures 2023 (pdf) / Nósanna imeachta um Chosaint Leanaí 2023 (pdf)

What are the main updates in the 2023 Child Protection procedures?

* A definition of child protection and safeguarding added to the glossary of terms.
* Reference to the Addendum to Children First (2019) added to 1.1.1, 9.1.2, 9.3.1 and 9.12.1
* Reference at 1.3.9, and elsewhere where relevant, to the Data Protection Acts updated to include 2018 and General Data Protection Regulation (GDPR)
* Section 1.5 added to reference the Commencement of Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023, from 11 May 2023
* Section 5.4.4 includes updated wording to reflect the current Tusla reporting protocols
* Clarification in chapter 7 that the protocol authorising immediate action is managed by the employer (board of management or ETB, as appropriate)
* Section 7.2.9 includes new text “The anonymisation of documentation referred to at 9.5.3 does not apply to the protocol authorising immediate action”
* Section 8.8.7 has additional text: “Where reference is made to the Child Safeguarding Statement, this means the Child Safeguarding Statement including a Risk Assessment. Where reference is made to the Risk Assessment, this means the Risk Assessment included in the Child Safeguarding statement. They are in one document and a mandatory template is provided on the gov.ie website here.”
* Section 8.8.9 has been added to refer to Child Protection and Safeguarding Procedures for Boarding Facilities associated with Recognised Schools 2023
* Section 9.5.3 has additional text to guide anonymisation and redaction of all records provided to the board under 9.5.2 to ensure the identities of any children and any other parties, including the member of school personnel to whom the concern or report relates, are not disclosed
* Section 9.5.7 updated text referring to the emergency meeting
* Section 9.13.2 now includes reference to inspection in boarding facilities
* The footnote in section 9.13.3 updated to refer to the published guides for CPSI and CPSIBFs

**What impact will Data Protection and GDPR have on information held?**

The GDPR and Data Protection Acts protect the rights of individuals with regard to personal data. Personal data is defined as any information relating to an identified or identifiable natural person or a natural person who can be identified, directly or indirectly.

The Acts give 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.

**What is the responsibility of the employer in regard to the dismissal of, or resignation of a teacher following the making of a complaint or the invoking of a disciplinary process?**

Employers must notify the Teaching Council once a teacher stands dismissed from 11 May 2023 onwards (or resigns following the making of a complaint or the invoking of a disciplinary process). Further information as set out in the regulations can be found on the Teaching Council website. See here.

**How can I forward information to Tusla?**

This can be done using Tusla’s secure web portal, here. If you are unable to access Tusla’s web portal, you can download Tusla’s Child Protection and Welfare report Form and forward it to Tusla’s Dedicated Contact Person for the area where the child resides, by registered post.

In the case of urgent intervention, a report may be made by phone to the Dedicated Contact Point. A written report should subsequently be made through the Web portal or by registered post.

In an emergency and unable to contact a social worker, contact must be made with An Garda Siochana. For all reporting methods, there will be an option for mandated persons to indicate if the report is a mandated report or not.

**Do I include a Risk Assessment with the Child Protection Statement?**

The school is required to complete a risk assessment of harm / potential harm as per the definition of harm in the Children First Act 2015. This is not about general health and safety risks. The purpose of the risk assessment is to identify risks of harm and set out the procedures / measures the school has in place to manage those risks, to consider the adequacy of those procedures / measures and whether additional procedures / measures are required. Where reference is made to the Child Safeguarding Statement, this means the Child Safeguarding Statement including a Risk Assessment. Where reference is made to the Risk Assessment, this means the Risk Assessment included in the Child Safeguarding statement. They are in one document and a mandatory template is provided here <insert link>.

**What mandatory templates am I required to complete to meet the requirements of the Child protection procedures?**

Mandatory Template 1: Safeguarding and Risk Assessment Template / Teimpléad um Measúnú Riosca maidir le Cumhdach Leanaí

or (Landscape version) / (Leagan tírdhreacha)

Mandatory Template 2: Checklist for Review of the Child Safeguarding Statement / Seicliosta le haghaidh Athbhreithnithe ar an Ráiteas um Chumhdach Leanaí

Mandatory Template 3:Notification regarding the Board of Management’s review of the Child Safeguarding Statement / Fógra maidir le hathbhreithniú an Bhoird Bainistíochta ar an Ráiteas um Chumhdach Leanaí

The Department has also complied a set of Mandatory Templates for Boarding Facilities associated with Recognised Schools:

Child Safeguarding Statement and Risk Assessment Template (BF) / Teimpléad um Measúnú Riosca maidir le Cumhdach Leanaí (SC)

Checklist for Review of the Child Safeguarding Statement (BF) / Seicliosta le haghaidh Athbhreithnithe ar an Ráiteas um Chumhdach Leanaí (SC)

Notification regarding the Board of Management’s review of the Child Safeguarding Statement (BF) / Fógra maidir le hathbhreithniú an Bhoird Bainistíochta ar an Ráiteas um Chumhdach Leanaí (SC)

Inspection

Check one relates to the way in which a school communicates various aspects of its child protection procedures to its community and to the public. The sub-checks involve the display of the name of the school’s Designated Liaison Person, or DLP, and the Child Safeguarding Statement near the main entrance to the school. It also includes the provision of the Child Safeguarding Statement to a range of stakeholders including parents and the patron and its publication on the school’s website, if

relevant. Schools are also required to inform these stakeholders when a review of the Child Safeguarding Statement has taken place, and the sub-checks also examine this.

Check two deals with the requirement to appoint a Designated Liaison Person (DLP) and a deputy Designated Liaison Person (DDLP). The sub-checks here examine whether the DLP and DDLP are named in the school’s Child Safeguarding Statement and if the appointees are current full-time members of the teaching staff. The subchecks also inquire into arrangements that the school has in place to keep the principal informed of child protection matters if he/she is not the DLP

Check three is concerned with the board’s responsibility to provide information and relevant training to school personnel on child protection matters. In relation to the Designated Liaison Person (DLP), the board has a responsibility to ensure that he/she is sufficiently familiar with the Child Protection Procedures for Primary and PostPrimary Schools 2017 to enable him/her to fulfil his/her role. The board should also put arrangements in place to provide training to the DLP, as required. The board also has a responsibility to ensure that the Deputy Designated Liaison Person (DDLP) is able to fulfil the role of DLP if required. The first three sub-checks examine if the board is fulfilling these responsibilities. The board is also required to ensure that all school personnel and all members of the board of management are familiar with the Child Protection Procedures for Primary and Post-Primary Schools 2017. The sub-checks inquire therefore into the arrangements the board has in place to provide information about child protection to school personnel and to board members. The sub-checks also examine the awareness of school personnel of the responsibilities of a mandated person and of the actions that they should take if they have a child protection concern.

Check four is concerned with the board’s responsibility in relation to vetting of all school employees. The sub-checks seek to confirm if both the principal and chairperson are aware of their responsibilities in relation to vetting through securing both oral and written confirmation of this. The final sub-check also seeks conformation that all employees of the board of management are vetted.

Check five deals with the Child Safeguarding Statement and risk assessment. The sub-checks establish if the Child Safeguarding Statement and risk assessment have been prepared in line with the templates provided by the Department. The sub-checks also establish if the Child Safeguarding Statement is reviewed annually, if a record of the review is maintained, and if actions advised in the review are implemented. In relation to the risk assessment, the sub-checks also investigate if the school has policies, procedures and precautions in place to minimise the risk of harm to children

Check six deals with the provision of a Child Protection Oversight Report to the board of management. The first two sub-checks establish if a Child Protection Oversight report is provided to the board and if it contains all the required headings. The third and fourth sub-checks inquire into the documents provided to the board when it is considering specific cases relevant to child protection. The final check examines the minutes of board meetings to establish if unique identifiers are used to refer to individuals involved. Appendix one provides clarification in relation to the provision of child protection oversight reports in Centres for Education (Youthreach centres)

Check seven is concerned with the school’s record keeping procedures and specifically if the school has an original file for all concerns that is stored in a secure location and that can be accessed by the Deputy DLP if required. It also enquires into the use of unique identifier numbers to reference relevant parties.

Check eight enquires into the school’s procedures to report allegations of child abuse. The first sub-check examine the procedures adopted for all concerns. The next three sub-checks inquire into the procedures adopted for concerns that were reported to TUSLA. Sub-checks five, six and seven specifically look at procedures for concerns where the advice of TUSLA was sought and the final sub-check is concerned with concerns which were not reported to TUSLA.

Check nine enquires into the school’s procedures for dealing with allegations of abuse against school personnel. In the Child Protection Procedures for Primary and Post-Primary Schools 2019, the term ‘school personnel’ is used as a generic term to encompass all adults who are involved in the operation of the school. It covers employees and voluntary workers, and includes parent association members when they are working in the school. The first four sub-checks relate to all allegations made against school personnel. The fifth sub-check refers to procedures to be adopted if the allegation was made by a parent. Sub-checks six, seven and eight inquire into the school’s procedures for dealing with allegations made against a DLP. The final sub-checks examine the procedures adopted by the school in relation to allegations made against a school employer or a member of the board.

Check ten looks at the quality of the school’s provision for the mandatory aspects of the curriculum. At primary level, these are Social Personal and Health Education (SPHE) curriculum and the Stay Safe programme and at post-primary these are SPHE curriculum and Relationship and Sexuality Education (RSE). The first two checks at primary and at post-primary seek to establish if the school is providing the required programmes. The subsequent sub-checks then inquire into whether the school and its teachers are planning appropriately for the implementation of these programmes and look at learners’ understanding of a number of key topics of the programmes.

**What are the requirements around the anonymisation and redaction of documents?**

When an allegation of abuse against a member of school personnel is reported, the principal will submit a Child Protection Oversight Report to the Board of Management.

Where the report:

1. States the number of reports made to Tusla since the last board meeting in respect of an allegation of abuse against a member of school personnel, and
2. States the number of cases, since the last board meeting, where the DLP had sought advice from Tusla in relation to an allegation of abuse against a member of school personnel and the matter was not reported by the DLP based on the advice of Tusla,

the Board of Management shall be provided with and review a number of documents at the board meeting as detailed in 9.5.2 of the Child Protection Procedures for Primary and Post-Primary Schools (revised 2023).

The documents provided to the board of management under 9.5.2 shall be anonymised and redacted as necessary to ensure the identities of any children and any other parties, including the member of school personnel to whom the concern or report relates, are not disclosed.

When anonymising the identity of school personnel, the DLP will use a unique serial code or serial number which must be reused if there is a subsequent allegation of abuse by this member of school personnel.

The DLP shall make the board aware, by means of the unique code or serial number, if there has been a previous allegation(s) of abuse against this member of school personnel and, if so, the number of such allegations including the outcome of the previous allegations.