

Procedure for dealing with a disclosure from a member of school staff

1. Any Member of the school staff (teacher, SNA, ancillary Staff) who receives an allegation, or suspects that a child is being abused or is in danger of being abused, will report his/her concerns immediately to the Designated Liaison Person (DLP), unless the concern relates to the DLP. In that case, the report will be made to the Chairperson of the BoM
2. Where a Member of the school staff has a child protection concern regarding the DLP s/he will report directly to the Chairman of the BoM
3. The DLP will open a secure file on the case and record carefully the details of the concerns or suspicions. The DLP will ensure that the proper reporting procedures are followed
4. Where the member of the school staff is a registered teacher and therefore a mandated person, the teacher will work with the DLP to ensure that the proper reporting procedures are followed
5. The DLP and teacher will consider whether there are reasonable grounds for concern and if these meet the thresholds for abuse. If they agree, they make a joint mandated report to Tusla
6. If the DLP and teacher are not sure whether the thresholds for abuse have been reached, the DLP will consult Tusla and then follow the advice given. The DLP will clearly explain that s/he is seeking advice and will not give identifying details at this stage to Tusla. The details of this conversation, the advice given and the actions taken on foot of that advice must be carefully recorded by the DLP and reported to the teacher
7. Where Tusla recommends that a mandated report be made, the DLP and Teacher will do so without delay
8. Where the DLP and teacher are not satisfied that the thresholds for abuse have been reached, the DLP will submit a report as a concern to Tusla, rather than as a mandated report. The teacher does not have to make a separate report
9. Where the DLP and Teacher are not sure whether or not the thresholds for abuse have been reached, but have reasonable grounds for concern they will make a joint Report to Tusla
10. Where the DLP decides not to report to Tusla, s/he will inform the teacher and will advise him/her that s/he may proceed to seek advice from Tusla and make a report or mandated report. The DLP will give the teacher a clear written statement as to the reasons why s/he did not make a report to Tusla. The DLP will retain this statement in the file and, where the teacher makes a report to Tusla, that report will also be retained in the file
11. The DLP will now decide whether or not to inform the family of the child that a report has been made to Tusla concerning their child. While it is good practice to inform the family, the following reasons will mean that the family will not be informed by the DLP:
 - a. If the DLP feels that informing the family would put the child in further danger

- b. If the DLP feels that informing the family would impede Tusla's risk assessment of the child's situation
- c. If the DLP feels that informing the family would put school personnel in danger
- d. The DLP may consult with Tusla if unsure
- e. The DLP will record in the file details of informing the family or, if they have not been informed, the reasons why and any advice given by Tusla

When a Child Makes a Disclosure

When a child does disclose abuse, this needs to be taken very seriously. It is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure that your actions do not jeopardise legal action against the abuser.

If as a mandated person, you receive a disclosure of harm from a child, which is above the thresholds, you must consult with the Designated Liaison Person (DLP) and make a mandated report of the concern to Tusla. You are not required to judge the truth of the claims or the credibility of the child. If the concern does not meet the threshold to be reported as a mandated concern, you should report it to Tusla as a reasonable concern.

There are a number of basic 'rules' that should be followed to ensure the safe handling of any disclosures of abuse from a child:

- Don't panic
- Remember that the safety and well-being of the child come before the interests of any other person
- Listen to the child and accept what the child says
- Look at the child directly, but do not appear shocked
- Don't seek help while the child is talking to you
- Reassure them that they did the right thing by telling someone
- Assure them that it is not their fault and you will do your best to help
- Let them know that you need to tell someone else
- Let them know what you are going to do next and that you will let them know what happens
- Be aware that the child may have been threatened
- Write down what the child says in their own words – record what you have seen and heard also
- Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure
- Tell your DLP or DDLP as possible
- As a mandated person, you must make a report to Tusla, or the Gardaí immediately. This can be done in conjunction with the DLP/DDLP
- After making the referral look after yourself. Discuss the matter with your DLP/DDLP or relevant person

Important Notes

- The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to children
- Dealing with an allegation that a colleague on the school staff has abused a child is difficult but must be taken seriously and dealt with carefully and fairly

Things to say when a child discloses

Repeat the last few words in a questioning manner

- 'I believe you'
- 'I am going to try to help you'
- 'I will help you'
- 'I am glad that you told me'
- 'You are not to blame'

Things not to say when a child discloses

- 'You should have told someone before'
- 'I can't believe it! I am shocked!'
- 'Oh that explains a lot'
- 'No not...he's a friend of mine'
- 'I won't tell anyone else'
- 'Why? How? When? Where? Who?'

Things to do

- Reassure the child that s/he was right to tell you
- Let them know what you are going to do next
- Immediately seek help, in the first place from the DLP/DDLP
- Write down accurately what the child has told you. Sign and date your notes. Keep all notes in a secure place for an indefinite period
- Seek help for yourself if you feel you need support

Things not to do

- Do not attempt to deal with the situation yourself
- Do not formally interview the child:
 - Never ask leading questions
 - Never push for information or make assumptions
 - Only necessary relevant facts should be obtained, when clarification is needed
 - Do not make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents
 - Do not keep the information to yourself or promise confidentiality
 - Do not take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers
 - Do not permit personal doubt to prevent you from reporting the allegation to the designated child protection officer

Summary of Reporting Procedures

Below is a summary of the actions to be taken by the Designated Liaison Person (DLP) in relation to Child Protection Concerns brought to him/her. These give an outline and it is important to take time to consult the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) for details before proceeding. Chapter 5 contains the details of Reporting Concerns.

Allegations of abuse made against school staff may require immediate action involving suspension of the teacher, SNA or member of ancillary staff. The Board of Management (BoM) should always seek comprehensive legal advice before embarking on such action.

When a Registered Teacher has a Child Protection Concern (Procedures 5.1.1 / 5.1.2)

- A Teacher will immediately report a child protection concern to the DLP. The Teacher will work with the DLP on the reporting procedures
- A registered teacher is a mandated person and has a statutory obligation to make a mandated report to Tusla. This will normally be done by making a joint mandated report with the DLP.

When someone else in the School Community has a Child Protection Concern

- **SNA/Ancillary Staff** – Report Concern to DLP (Procedures 5.1.1 / 5.1.2)
- **Parent/Guardian** - Report Concern to DLP (Procedures 5.6)

Actions of DLP on becoming aware of a Concern

(Procedures 5.1.1 / 5.1.2)

- Open a Secure File – use child's Clár Uimhir
- Record all details of the Concern
- Consult
 - Resource Bundle and PAMs
 - Child Protection Procedures for Primary and Post-Primary Schools 2017
 - Children First National Guidelines 2017
 - Commence Reporting Procedure

Reporting Procedures

(Procedures 5.3 / 5.4)

Are there Reasonable Grounds for Concern? Have the Thresholds for Harm been reached?

- If yes – Make a mandated report to TUSLA
- If unsure – Consult with TUSLA and follow advice given. Be clear that you are consulting only and do not give details of persons involved
- If in any doubt – make a mandated report
- If thresholds not reached, but you have concerns – make a report
If TUSLA are not available and the case warrants immediate response, report to Gardaí

Records of Reporting

- Record the details of the concern in the file
- Keep records of all reports made to TUSLA or Gardaí
- Record details of advice sought:
 - The person you spoke to
 - The advice given

When the DLP decides not to make a Report to TUSLA

(Procedures 5.3.8)

- Inform the reporting person in writing of the decision not to make a report
- Inform the reporting person that they may make a report to TUSLA and give the school a copy
- Keep copies of the above in the file
- Keep a copy of any report by the reporting person in the file
- Include all details in your next oversight report to the BoM

Informing Parents

(Children First Chapter 3 P.25)

A school is not required to inform the family that a report is being made to Tusla. It is good practice however to tell the family that a report is being made and the reasons for the decision.

It is not necessary to inform the family if by doing so:

- the child will be placed at further risk
- might impair Tusla's ability to carry out a risk assessment
- you believe that you are putting yourself at risk of harm from the family

The DLP may seek advice from TUSLA regarding informing the family and record all communication with the family or TUSLA in the File

Child Protection Oversight Report (CPOR)

(Procedures 5.5)

The Principal (normally DLP) will make a CPOR at every BoM meeting. It will detail:

- Any allegations of abuse raised in relation to school staff since the last BoM meeting
- Other child protection concerns raised in relation to any child since the last BoM meeting
- Child protection concerns regarding alleged bullying behaviour since the last BoM meeting
- Summary data in respect of Reporting

TUSLA Reporting Forms

TUSLA has 2 Reporting Forms

- Child Protection and Welfare Report Form
 - Click [here](#) for Form and Guidance Notes
- Retrospective Abuse Report Form
 - Click [here](#) for Form and Guidance Notes

Summary of Record Keeping Requirements

The section references below relate to '*Child Protection Procedures for Primary and Post-Primary Schools 2017*' and summarise the main record-keeping requirements set out in those procedures as follows:

Section 3.4 sets out requirements on individual members of the school staff to record child protection concerns that they may have, including disclosures from children and any actions taken in respect of same

Section 5.1.1 requires that the DLP shall make a written record of any concern brought to his or her attention by a member of the school staff and will place this record in a secure location

Section 5.3.3 requires that in all cases where the DLP has sought the advice of Tusla, the DLP will retain a record of the consultation which will note the date, the name of the Tusla official and the advice given

Section 3.4.4 requires that the DLP shall retain a copy of every report submitted by him or her to Tusla and shall keep a record of any further actions taken by the DLP and of any further communications with Tusla, An Garda Síochána or other parties in relation to that report

Section 3.4.5 requires that all records created shall be regarded as highly confidential and placed in a secure location

Section 3.4.6 requires that to allow for the effective recording and tracking of relevant records and actions, child protection case files and any parties referenced in such files shall be assigned a unique code or serial number by the DLP. In this context 'parties' means any party whose identity, if disclosed, might lead to the identification of a child or a person against whom an allegation has been made

Section 9.4 requires that a Child Protection Oversight Report must be provided to the Board of Management (BoM), as part of the principal's report to the board, at every BoM meeting. The information that will be provided in this report is set out at sections 9.5 to 9.8 of these procedures

Sections 9.5, 9.6 and 9.7 provide that the minutes of BoM meetings will record child protection matters by reference to the unique code or serial number assigned to the case/parties concerned

Section 5.3.6 requires that where the DLP informs a parent/carer that a report concerning his or her child is being made, a record will be made of the information communicated by the DLP to the parent/carer. It also requires that a decision by the DLP not to inform a parent/carer shall be recorded together with the reasons for not doing so

Section 5.3.8 requires that if the DLP decides that the concern of the member of school personnel, including that of a mandated person should not be reported to Tusla, the DLP shall give the member of the school staff a clear statement, in writing, as to the reasons why action is not being taken. A copy of this statement shall be retained by the DLP. Where that member of the school staff decides to make a report to Tusla, he or she must provide the DLP with a copy of that report

Section 5.6 requires that where the DLP issues a notification to a parent in accordance with that section, a copy of that notification shall be retained by the DLP

Section 3.5.4 requires the BoM to ensure that arrangements are in place to ensure that the DDLP can access relevant records when required

Section 8.1 3.6 requires that records of the annual review of the school's Child Safeguarding Statement and its outcome shall be retained and made available, if requested, to the patron and/or the Department.

The above is not intended to be an exhaustive list of the record keeping requirements in these procedures and school personnel should ensure that records are maintained in line with the requirements set out in these procedures.

Reasonable Grounds for Concern/Threshold of Harm

The Reasonable Grounds for Concern are:

Neglect

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Emotional Abuse/Ill-Treatment

The threshold of harm at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Physical Abuse

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Sexual Abuse

If as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015. As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated person to Tusla.

There is one exception, which deals with underage consensual sexual activity between teenagers who are between 15 and 17 years of age [See Children First National Guidance for the Protection and Guidance of Children, P23]. This is unlikely to apply to Primary Schools.

Circumstances which give rise to Concern in Relation to Child Abuse

Children living in certain circumstances may be particularly vulnerable to harm. Children living in the following situations may be at increased risk of harm. However, it is important to note that the presence of any of these circumstances does not mean that the child is being abused:

a. Parent/Guardian/Carer Factors

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Conflictual relationships
- Domestic violence
- Adolescent parents
- Parental disability issues, including learning or intellectual disability

b. Child Factors

- Age
- Gender
- Sexuality
- Previous abuse
- Disability
- Communication difficulties
- Trafficked/Exploited
- Young carer
- Mental health issues, including self-harm and suicide

c. Community Factors

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this
- Jurisdiction Culture-specific practices, including:
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

d. Environmental Factors

- Housing Issues
- Poverty/Begging
- Bullying
- Communication difficulties
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Internet and social media-related concerns

e. Poor Motivation or Willingness of Parents / Guardians to engage

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

These factors should be considered routinely as part of the process of being alert to the possibility that a child may be at risk.

1. Bullying

Bullying is defined as repeated aggression – verbal, psychological or physical and can be conducted by an individual or group against one or more persons. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. It can often be based on perceived differences e.g. gender identity, sexual preference, race, ethnicity religion, parent's occupation etc. ICTs mean that bullying can be perpetrated through mobile phones or other personal devices using internet and social media enablers such as Facebook, Snapchat etc.

Some children are particularly vulnerable to bullying. These include:

- SEN children
- Minority ethnic groups
- Traveller children
- LGBT children
- Minority religious faiths
- Academic high achievers
- Children with underdeveloped social skills and social cue recognition

The management of bullying among children in a school environment is an ongoing task and requires constant vigilance among school staff as well as constantly revised and understood policies.

All of the above factors and bullying need to be taken into account as part of the process of being vigilant for the presence of child abuse and suffering among the children in every school.

Child Abuse: Types, Symptoms and Reasonable Concern Thresholds

(Sexual Abuse)

Sexual Abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms. There is no reasonable threshold for sexual abuse.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography (for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation for those purposes of an image by computer or other means]
 - Inviting, coercing or inducing a child to participate in or to observe any sexual, indecent or obscene act
 - Showing sexually explicit material to children which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person. It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse.

Child Abuse: Types, Symptoms and Reasonable Concern Thresholds

(Neglect, Emotional Abuse, Physical Abuse)

1. Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect

Neglect is associated with poverty, but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Lack of adequate clothing
- Persistent failure to attend school
- Inattention to basic hygiene
- Abandonment or desertion
- Children being left alone without adequate care and supervision
- Malnourishment, lacking food, unsuitable food or erratic feeding
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age.

2. Emotional Abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties

between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of attachment
- Lack of comfort and love
- Ongoing family conflicts and violence
- Lack of proper stimulation (e.g. play)
- Bullying
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Continuous lack of praise/encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Conditional parenting where care/affection of a child depends on child's behaviour/ actions
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Very inappropriate expectations of a child relative to his/her age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors

3. Physical Abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment
- Pinching, biting, choking or hair-pulling
- Beating, slapping, hitting or kicking
- Use of excessive force in handling
- Pushing, shaking or throwing
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.