

# Child Protection and Student Welfare

Brian Murray

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[brian.murray@ucd.ie](mailto:brian.murray@ucd.ie)



Listen

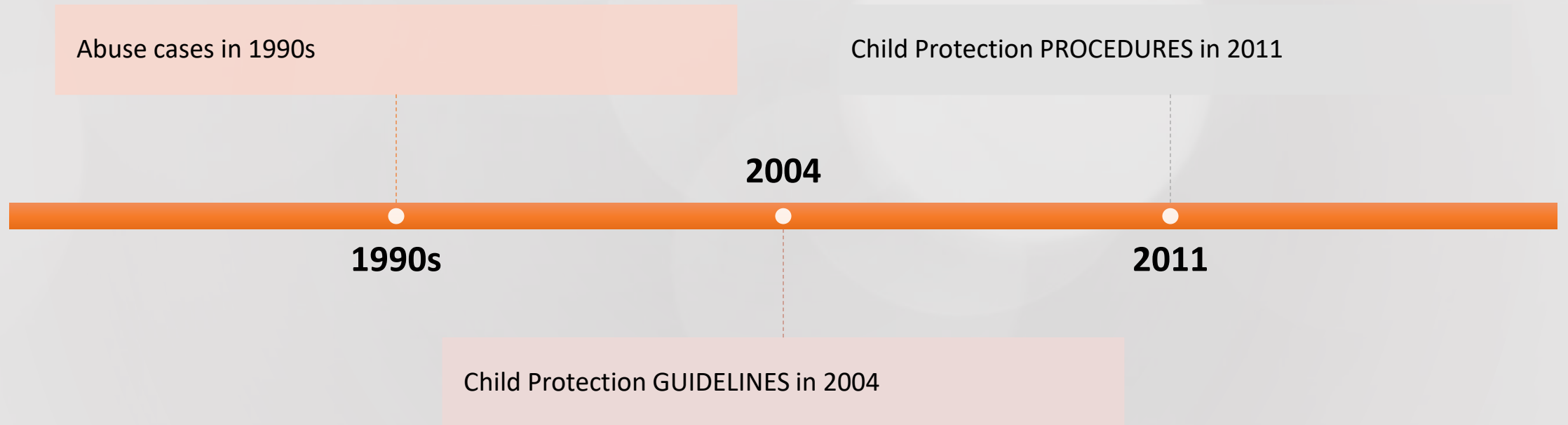


Record



Report

# History



# Key pieces of legislation

Child Care Act 1991

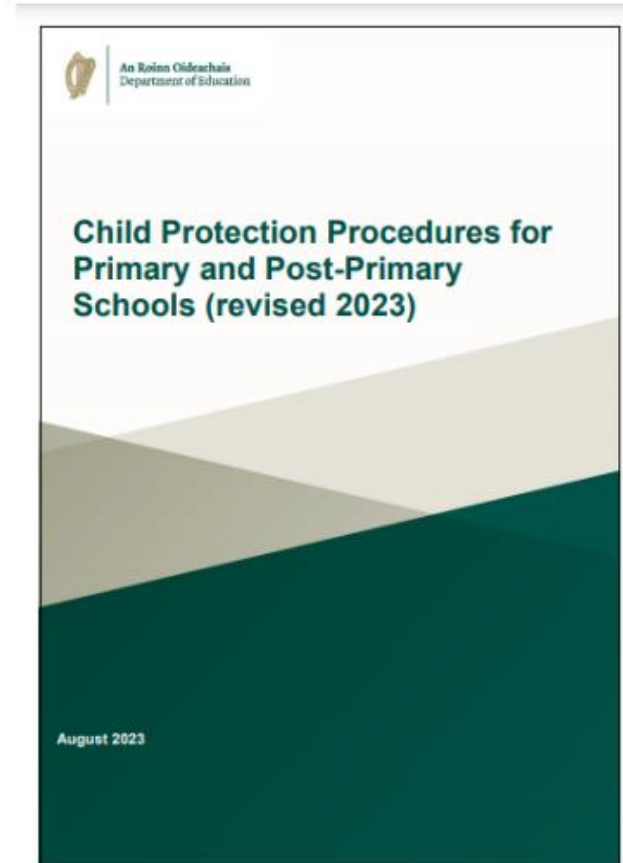
Protections for Persons Reporting Child Abuse Act 1998

Criminal Justice Act 2006 – Reckless Endangerment

Criminal Law (Sexual Offences) Act 2017

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

# Children First Act 2015 and revised CPP for P and PP schools 2023



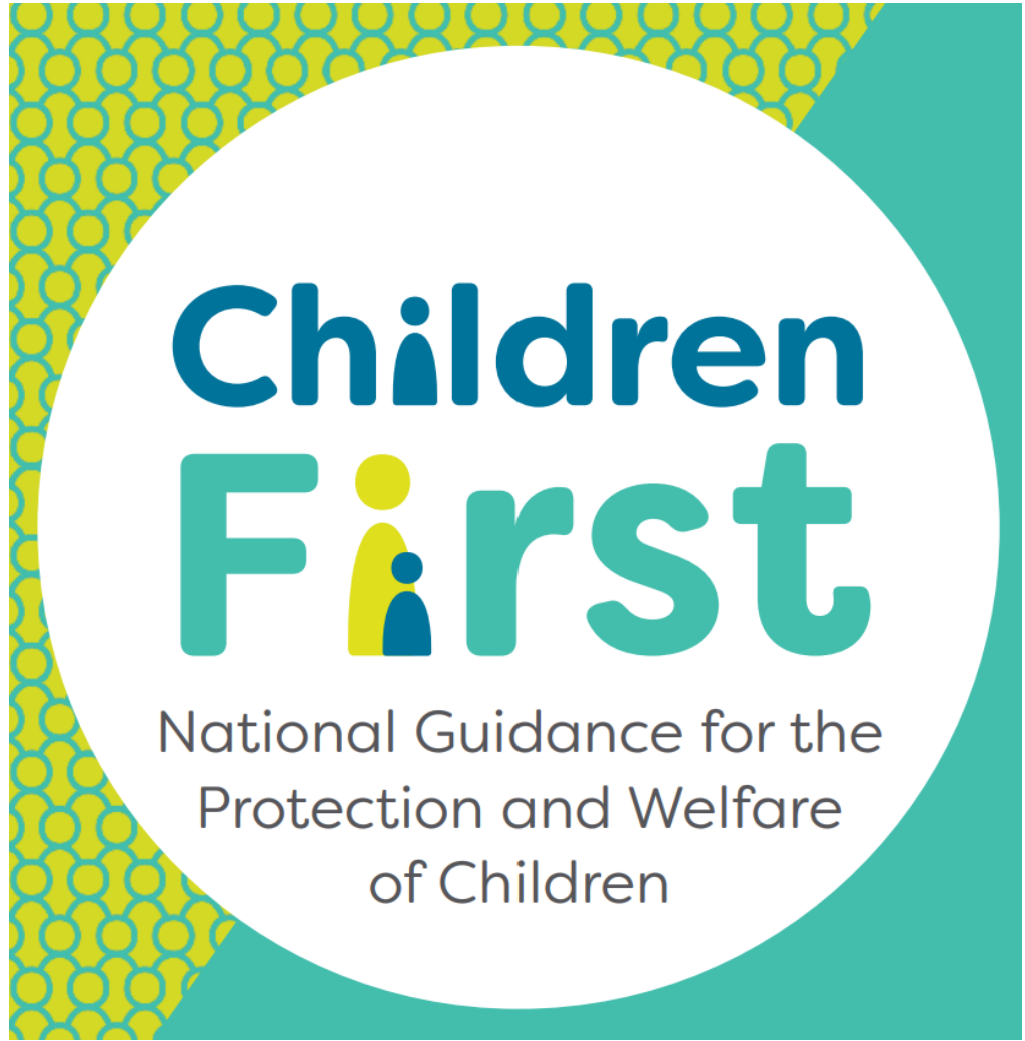


2019

>56,000 referrals to Tusla

Nearly 6000 children in care in March 2020

Children First  
– that is  
what it is



# Children First Act 2015 and Children First National Guidance 2017

- ‘Since the publication of the procedures in 2017, schools have become very familiar with the statutory obligations which The Children First Act, 2015 has placed on certain professionals, including all registered teachers, who are referred to as mandated persons in the Act. It has also placed certain statutory obligations on certain organisations that provide services to children, including all schools’
- ‘The Act also sets out the best practice (non-statutory) obligations which are in place for all individuals (including teachers) and for all sectors of society. The Children First Act 2015 operates side-by-side with the Children First National Guidance 2017’
- *Circular 36/2023*



# The amendment

- any documents provided as part of the Child Protection Oversight Report must now be anonymised to ensure that 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



# Harm

- As a mandated person, under the legislation you are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed, to the Authorised Person within Tusla.
- Definition of Harm:
- The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.
- “Harm” means, in relation to a child:
  - (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or
  - (b) sexual abuse of the child

# Statutory obligations of relevant services

- The Children First Act 2015 places specific obligations on organisations which provide services to children and young people, including the requirement to:
- Keep children **safe from harm** while they are using the service
- Carry out a **risk assessment** to identify whether a child or young person could be harmed while availing of the service
- Develop a **Child Safeguarding Statement** that outlines the policies and procedures which are in place to manage the risks that have been identified
- Appoint a **relevant person** to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

# Am I a mandated person

- YES you are
- A mandated person means a person who is a person specified in schedule 2 of the Children First Act, 2015 and includes all teachers registered with the Teaching Council.

## The DLP

The Designated Liaison Person in a school setting is normally the principal

Age of  
consent in  
Ireland

**17**

A child

**18**

# 4 types of abuse



Sexual

Physical

Emotional

Neglect



# Reasonable grounds for a child protection or welfare concern include:

- Evidence (e.g. injury or behaviour) that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

# The following are features of child **neglect**:

- 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 adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

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

Rejection

Lack of comfort and love

Lack of attachment

Lack of proper stimulation (e.g. fun and play)

Lack of continuity of care (e.g. frequent moves, particularly unplanned)

Continuous lack of praise and encouragement

Persistent criticism, sarcasm, hostility or blaming of the child

Bullying

# continued

Conditional parenting in which care or affection of a child is made contingent on his or her behaviours or actions

Extreme over-protectiveness

Inappropriate non-physical punishment (e.g. locking child in bedroom)

Ongoing family conflicts and family violence

Seriously inappropriate expectations of a child relative to his or her age and stage of development

# Physical abuse can include the following:

Physical punishment

Beating, slapping, hitting or kicking

Pushing, shaking or throwing

Pinching, biting, choking or hair-pulling

Use of excessive force in handling

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

# 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 many instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members

- Where a school becomes aware of underage sexual intercourse the school should take appropriate steps to inform the child's parents

# Some children may be more vulnerable to abuse than others

## Parent or Carer Factors

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

## Child Factors

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



Community Factors

Environmental Factors

Poor motivation and poor willingness of parents/guardians to engage

# Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

The Anti-Bullying Procedures (2013) define bullying as “unwanted negative behaviour, verbal, psychological or physical conducted by an individual or group against another person (or persons) and which is repeated over time”

# Responsibilities of School Personnel

School personnel are especially well placed to observe changes in children's behaviour, their lack of development or outward signs of abuse. In any situation where a member of school personnel (including a registered teacher), receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, he or she shall, without delay, report the matter to the designated liaison person (DLP) in accordance with the procedures

Where a registered teacher has any such concern, in addition to reporting it to the DLP, he or she must also consider whether the concern is at or above the threshold at which the teacher must make a mandated report to Tusla.

# Recognition of possible signs of abuse

All school personnel shall familiarise themselves with this information to enable them to meet their reporting obligations under these procedures.

**Any reasonable grounds for concern must elicit a response. Ignoring what may be signs or indicators of abuse could result in ongoing harm to the child.**

# Dealing with disclosures from children

An abused child is likely to be under severe emotional stress and a member of school personnel may be the only adult whom the child is prepared to trust. Great care shall be taken not to damage that trust.

When information is offered in confidence, the member of school personnel will need **tact and sensitivity** in responding to the disclosure. The member of school personnel will need to reassure the child, and endeavour to retain his or her trust, while explaining the need for action which will necessarily involve other adults being informed. It is important to tell the child that everything possible will be done to protect and support him or her, but **not to make promises that cannot be kept** e.g. promising not to tell anyone else.

It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through **listening** to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened

**It must always be remembered that school personnel have a supportive, not an investigative role**

# Suggested best practice

React calmly

Listen carefully and attentively

Take the child seriously

Reassure the child that they have taken the right action in talking to you

Do not promise to keep anything secret

Ask questions for clarification only. Do not ask leading questions

Check back with the child that what you have heard is correct and understood

Do not express any opinions about the alleged abuser

Ensure that the child understands the procedures that will follow

Make a written record of the conversation as soon as possible, in as much detail as possible

Treat the information confidentially



When child abuse or neglect is suspected, it is essential to have a written record of all the information available. School personnel shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail and, if appropriate, sketched.

Any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. The record of the discussion shall be signed, dated and given to the DLP who shall retain it.

# Obligations as a mandated person

Every registered teacher should note that as a mandated person the statutory obligation under the Children First Act 2015 to make a mandated report to Tusla rests with the individual teacher and this applies regardless of whether or not the DLP reports the concern in question. However, a registered teacher who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

# To summarise



Listen



Record



Report

What  
happens  
after I  
report to  
TUSLA?

It depends...

but importantly  
removal from home  
setting is a last  
resort



# Your protection

Never be in a  
classroom alone  
with a child

No  
inappropriate  
touch

KEEP your  
windows  
unblocked



# Child Safeguarding

Child protection is the activity of protecting children who are suffering or may be likely to suffer or are at risk of suffering from harm as a result of abuse, including neglect, emotional abuse, physical abuse and sexual abuse.

Child Safeguarding is broader than child protection and is about protecting the child from harm, promoting their welfare and in doing so creating an environment which enables children and young people to grow, develop and achieve their full potential.



Child  
Safeguarding  
statement...

How will we  
keep our child  
safe

Pastoral Care /  
Tutor / Year  
Head System

# Student Support Teams



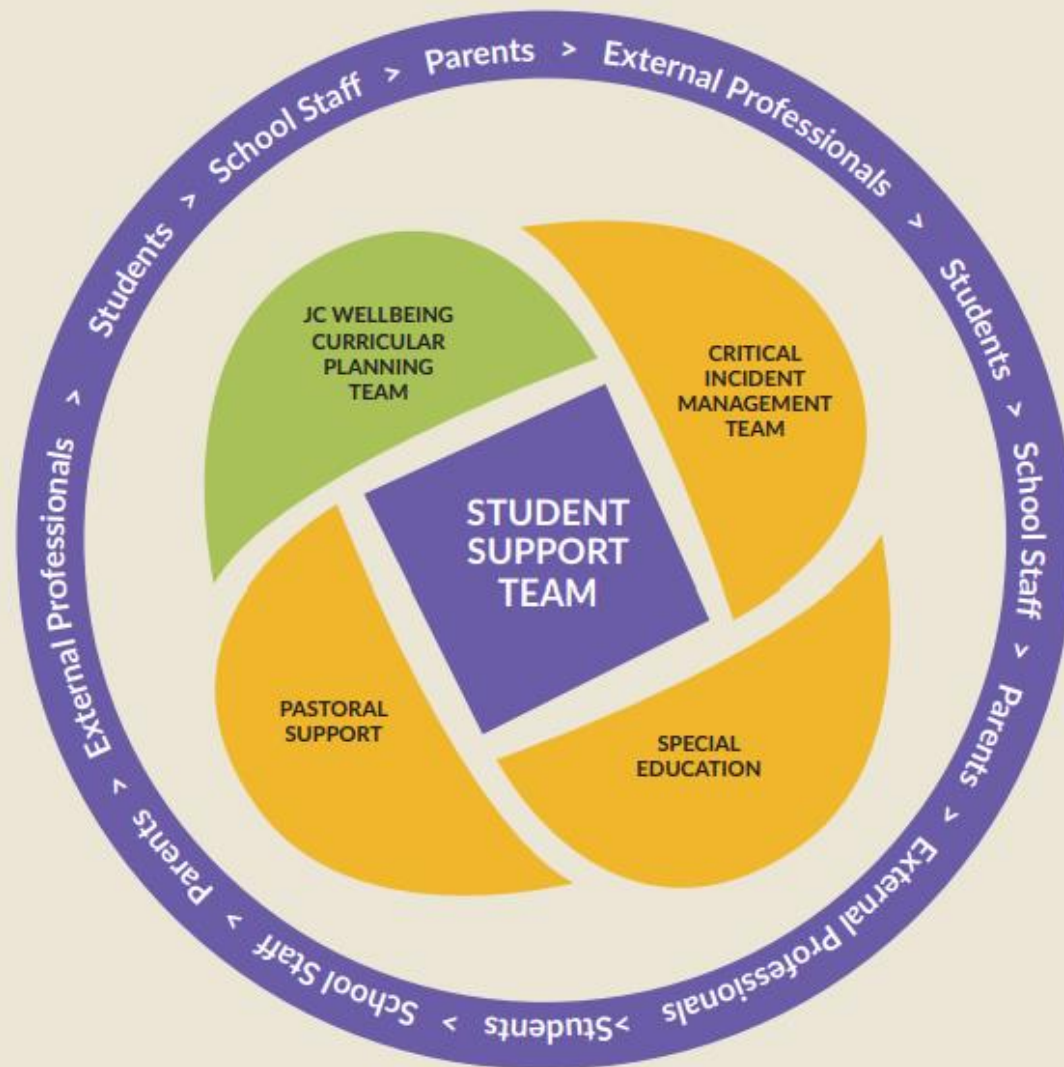
An Roinn Oideachais  
Department of Education  
An tSeirbhís Náisiúnta Síceolaíochta Oideachais  
National Educational Psychological Service



## Student Support Teams in Post Primary Schools:

A Guide to Establishing a Team or  
Reviewing an Existing Team (2021).

National Educational Psychological Service  
Department of Education



WHOLE SCHOOL

JUNIOR CYCLE ONLY