

## A brighter future

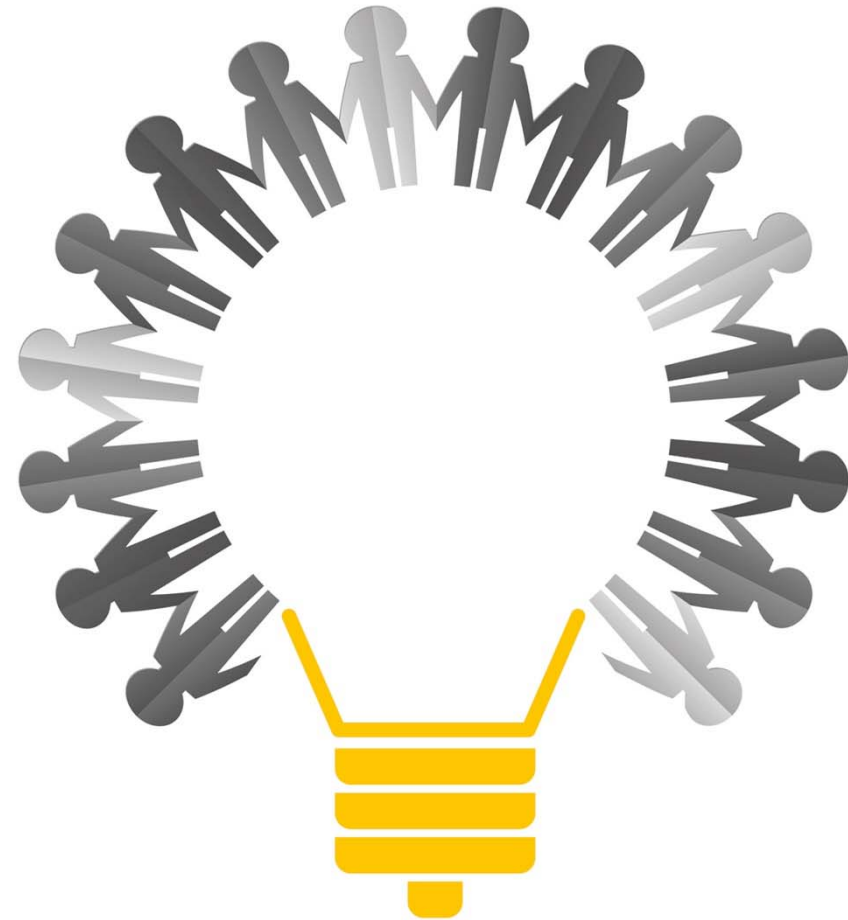
### Child Protection & Parental Complaints

- No Grey Areas, Follow the Process

24 March 2017

Margaret Gorman

*Partner, Head of Education,  
Eversheds Sutherland*



## Outline of presentation

1. Legal framework & compliance
2. Overarching requirements
3. Principal's role
4. Reporting
5. School employees
6. Principal's report
7. Other policies
8. Peer abuse
9. Upcoming developments
10. Takeaways
11. Scenarios



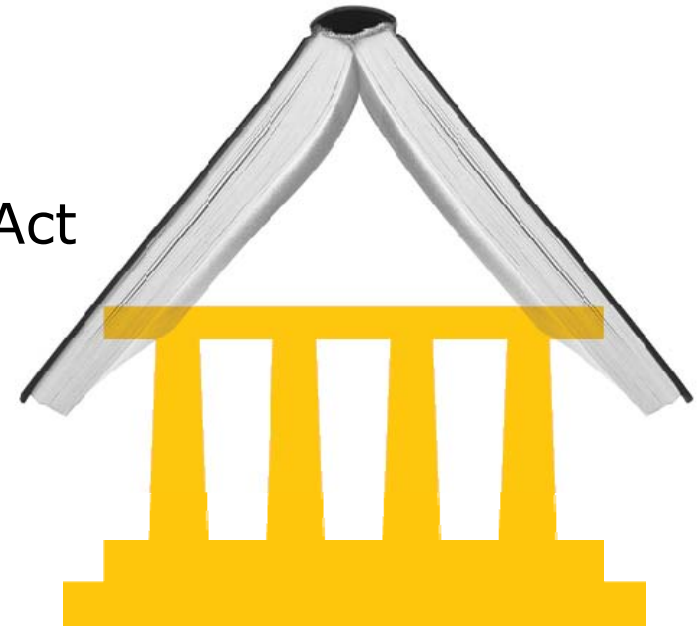
**Legal framework**

## Legal framework

- Child Care Act 1991
- Protection for Persons Reporting Child Abuse Act 1998/qualified privilege
- Data Protection Acts 1988 & 2003
- Criminal Justice Act 2006
- Criminal Justice (withholding of information) Act 2012
- 31<sup>st</sup> Amendment of the Constitution (Children) Act 2012
- Freedom of Information Act 2014
- Children and Family Relationships Act 2015
- National Vetting Bureau Acts 2012-2016
- Children First Act 2015 (largely not commenced)
- Circular 0065/2011 – Child Protection Procedures
- Circular 0031/2016 – Vetting
- Circular 0016/2017- Retrospective Vetting

# Compliance

- Compliance with legal requirements & circulars
- Legal requirement to vet
- Requirement to report
  - Child and Family Agency (“**CFA**”)
  - An Garda Síochána – 2012 Act
- Immunity from civil liability – 1998 Act
- Offence of Reckless Endangerment of Children – 2006 Act



## Overarching requirements

- School's child protection policy must:
  - Formally adopt the Procedures without modification
  - Be reviewed annually by BoM – Checklist
  - Be communicated
  - MLL
- Principal's report for each BoM meeting
- Stay safe mandatory
- Procedures not guidelines
- Designated Liaison Person ("**DLP**") & Deputy DLP ("**DDL**P") appointed
- DLP's name prominently displayed near school entrance
- Reporting
- Training

# Principal's Role

# Principal's Role

- Normally DLP
- Principal's report at each BoM meeting
  - No of reports
  - No of cases where advice sought
  - Minutes record
- Normally DLP interacts with CFA, An Garda Síochána & others
- DLP's name prominently displayed near school entrance
- DLP and Deputy DLP (DDLDP) named in policy



## Records

- 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, described in detail and, if appropriate, sketched
  - Any comment by the child concerned, or by any other person, about how an injury occurred
- Record of the discussion - signed, dated and given to the DLP who securely retains it
- Confidential – “Need to Know” (S.14 CF Act when commenced)
- Freedom of information/data protection

**Reporting**

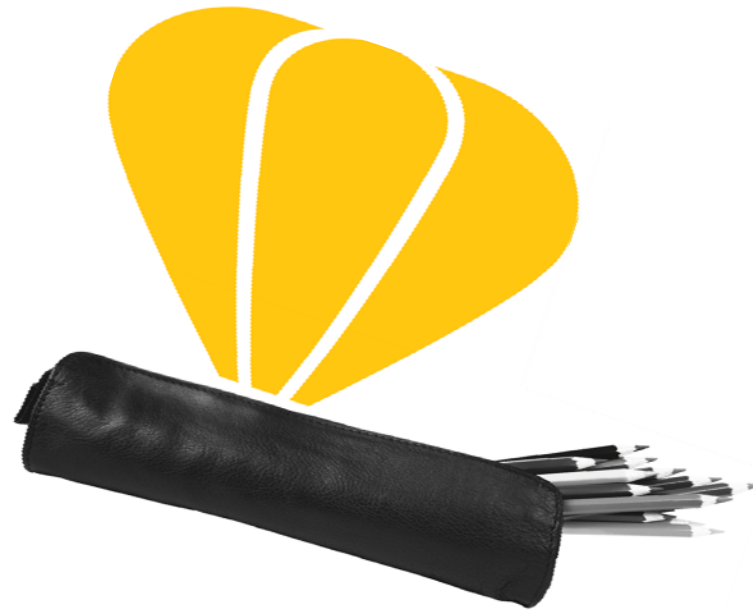
# Reporting

1. Informal advice
2. Reporting
3. Keep written records
4. Confidentiality



## Informal advice

- If DLP unsure whether to report to the CFA – seek informal advice from the CFA
- DLP – **explicit** that requesting advice and consultation, not making a report
- No identifying details
- Principal's report



## Reporting of concerns (1)

- Report where a person knows, believes or has reasonable grounds to suspect that a child/vulnerable person:
  - may have been;
  - is being; or
  - Is at risk of being abused or neglected
- 2015 Act - “Harmed” rather than “Abused”



## Reporting of concerns (2)

- May be legal requirement to also report to the Gardaí
- Inform a parent/carer unless doing so is likely to endanger the child or place the child at further risk – Keep record
- Where the allegation or concern relates to the DLP, the Chairperson of the BoM shall assume the DLP role – (NB not the DDLP)



**School employees**

## School employees (1)

- Two procedures to be followed:
  - a) DLP role
  - b) Chairperson – employer role
- Reporting – CFA/Gardaí
- Administrative leave
- Notify insurers
- Legal advice





## School employees (2)

- The Chairperson shall:
  - Privately inform employee of the allegations and whether it has been reported to CFA/Gardaí
  - Give the employee a written record and/or allegation
  - If employee is required to absent him/herself – contact CFA/Gardaí/DES
  - If/when reported to the CFA, give employee an opportunity to respond
  - Maintain close communication with CFA and Gardaí – don't impede
  - Pass response to the CFA
  - Ensure strict confidence
- Refer to Employee Assistance Service
- If BoM member – Notify patron

**Other policies**

## Other policies

- Parental Complaints procedure
- Disciplinary
- Code of Behaviour
- Anti-bullying
- Data protection
- Etc



Peer abuse

## Peer abuse

- Same reporting procedures
- Consider victim and alleged abuser
- School should make arrangements to meet separately with parents of all the children involved with a view to resolving the matter
- The school will make arrangements to minimise the possibility of any abusive behaviour recurring
- Serious instances of bullying should be reported

# Upcoming developments

## Children First Act 2015 (the “Act”)

- Children First & the Act will continue to operate together
- The Act when commenced will require:
  - A provider of a relevant service to ensure children availing of the service are safe from harm
  - The undertaking of a risk assessment and child safeguarding statement by “certain providers of services”
  - “Mandated persons” to report certain matters to the CFA
  - The establishment of the Children First Inter-Departmental Implementation Group (now commenced)
  - Some novel changes but mainly changes in terminology
  - S.28 (abolition of defence of reasonable chastisement) commenced
  - S.14(9) Matters may be prescribed

# The Act

Provides for:

- The abolition of the common law defence of reasonable chastisement – this has been commenced
- The CFA shall regard the best interests of the child as the paramount consideration

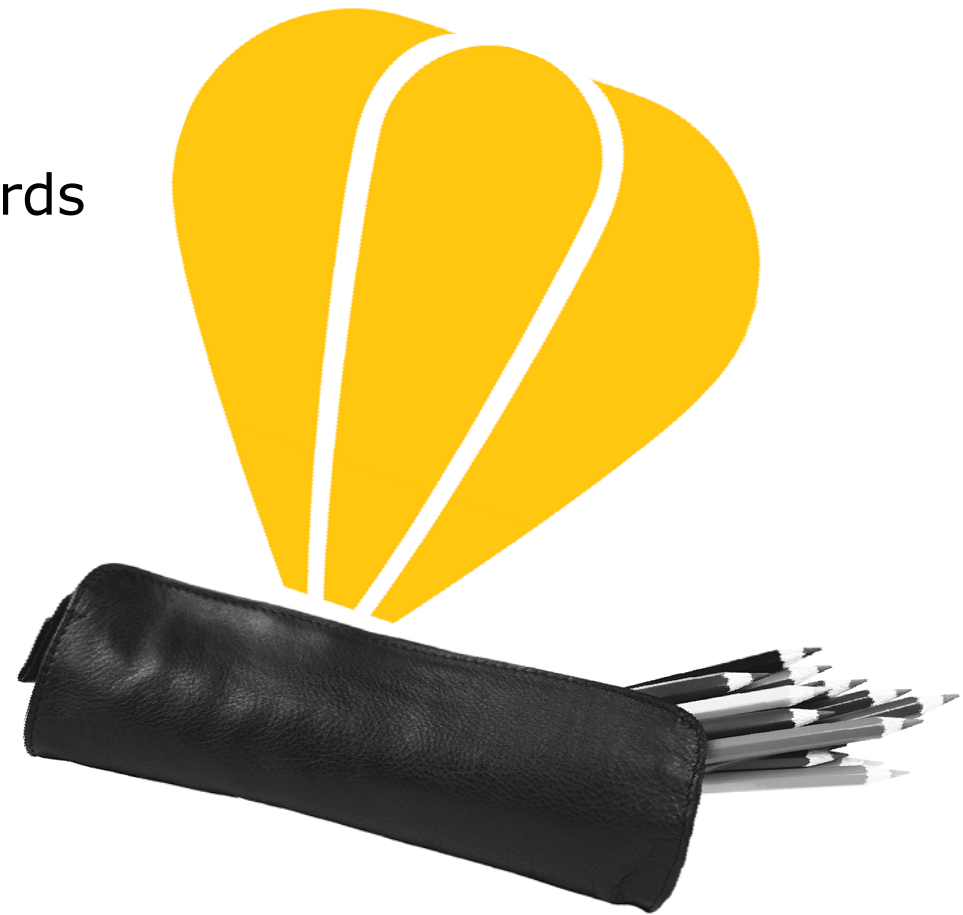




# Takeaways

# Takeaways

1. Know the procedures/  
your own role
2. Keep proper written records
3. Confidentiality
4. If in doubt, get advice
5. Don't panic



# Scenarios

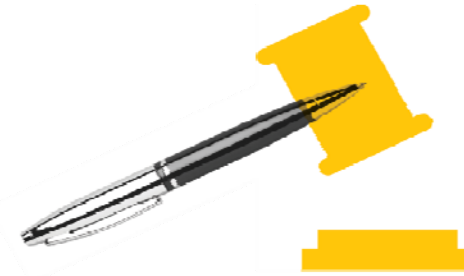
# Scenario 1

Two students Christina and Siobhan are best friends. Christina tells Siobhan that the bus driver is her boyfriend. Siobhan tells her class teacher, Ms Flood. Ms Flood reports this to the DLP who is also the principal.

1. What would you do as DLP?
2. What do you find out from Ms Flood?
3. What records do you keep and where?
4. Whom do you contact first?
5. With whom do you share details of what has happened?



## Scenario 2



Jenny, a 4th class pupil, has a toileting accident. It is not the first time. The teacher, Mr O'Connor, reports to the DLP that Jenny has had a number of toileting accidents recently and has not been able to clean herself or change her clothing.

1. What action does the DLP take?
2. To whom should the DLP report?
3. If this incident involved a junior infant child, would your actions as a DLP be any different?

## Scenario 3 (1)

Philip cries a lot. You spot him on the yard over a few days not wanting to play with other children. His school work has also slipped recently, particularly his homework, which might or might not be done. This was never like Philip, who prided himself on his work up to recently. You ask him if everything is alright. He begins to cry again and says that he hates it when Mammy is working nights and her new boyfriend Mike is left in charge.

Philip's little brother Josh has also been quite upset of late. He arrived into school on PE day wearing a t-shirt which revealed sores on his arms. When asked by his class teacher about his arm, he says that he was playing a game with Mike when he hurt his arm.



## Scenario 3 (2)

1. What would you do as Principal and DLP in this situation?
2. Would you call the boys' mother? Mike?
3. Would you ask Philip to explain exactly what Mike does to upset him?
4. Would you ask him what he thought of Mike?



## Scenario 4



Said's mother calls the principal, Mrs Brown, to tell her that Said is refusing to come to school as he doesn't like the way the new teacher, Ms Muldoon, is speaking to him or touching him. Ms Muldoon is replacing Mr Howard in Learning support who is out on ill health grounds. She wants to find out what is going on.

1. Should Mrs Brown ask Said's mother to be more specific in what she is accusing Ms Muldoon of?
2. If Ms Muldoon is accused of tapping Said on the arm and nudging him on his shoulder to keep him focused on his work, what do you do? Do you take the matter further?
3. Would you involve Said's class teacher?
4. At what point would Ms Muldoon's actions constitute a matter to be reported to another authority? Do you involve the BoM?



**Any questions?**

EVERSHEDS  
SUTHERLAND

**Margaret Gorman**

Partner & Head of Education  
margaretgorman@eversheds-  
sutherland.ie  
T: 353 1 6644325

One Earlsfort Centre  
Earlsfort Terrace  
Dublin 2  
Ireland

**eversheds-sutherland.ie**

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