

A Code of Practice for Blackrock College:

The Principles of Best Practice
concerning the interrelationship between
pupils and all school personnel

INTRODUCTION

Blackrock College is a Catholic, voluntary secondary school for boys, fully committed to the provision of education in a student-centred learning environment where the Christian values of respect, trust, dignity and self-worth are an integral part of the school ethos. All actions concerning children and young people must uphold the best interests of the young person as a primary consideration. This **Code of Practice** for all school personnel sets out guidelines on what constitutes both safe and good practice when interacting with pupils. In exercising a duty of care, positive relationships are promoted, with safety and ease in the education setting being paramount. School personnel, upholding gospel values, must always be mindful of the fact that they hold a position of trust and that their behaviour towards the pupils in their charge must be above reproach. This Code of Practice is intended to promote a safe working, learning and study and recreational environment enabling the pupils to gain from positive interaction with staff.

THE FORMAT OF THE CODE

The Code is divided into nine sections as follows:

- Section 1 Presents a Definition and the Scope of what the Code entails.
- Section 2 Presents the Aims of the Code.
- Section 3 Presents the Objectives of the Code.
- Section 4 Proposes a set of over-arching Principles to promote best practice.
- Section 5 Focuses on a Code of Practice for school personnel.
- Section 6 Outlines the Internal Disciplinary Procedure in the event of a breach of the Code of Practice.
- Section 7 Addresses Staff Support and Training.
- Section 8 Focuses on the Development and Implementation of the Code of Practice.
- Section 9 Outlines an Evaluation.

Appendix I Legal Framework

Appendix II Definition and Recognition of Child Abuse

Appendix III Peer Abuse and Bullying

Appendix IV Recognition of possible signs of abuse

1. DEFINITION AND SCOPE

1.1. Definition

The Code of Practice for Blackrock College sets out principles which constitute clear boundaries on appropriate behaviour, physical contact, meetings and activities both in school and away from school.

This Code is based on the fundamental premise that valuing pupils is equally reflected in valuing all school personnel and that this involves raising awareness of any potential risks that could arise and setting appropriate standards of conduct in the context of their inter-relationship.

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which staff interrelate with children and young people, or where opportunities for their conduct to be misconstrued might occur.

In all circumstances, employees' professional judgement will be exercised and for all college personnel this code of practice will serve only to confirm what has always been the practice. If personnel have any doubts about issues in this document, or how they should act in particular circumstances, they should consult a representative of their professional association, and/or school management and/or the Des Places Education Association.

1.2 Scope of the Code

This Code applies to all school personnel who interact with pupils in carrying out their role. This includes lay and religious, teaching and non-teaching staff, paid employees and volunteers.

For the purpose of this Code, 'pupils' 'children' and 'young people' refer to all persons enrolled within the school, day pupils and boarders and also the pupils of other schools, including Willow Park and other young people when they are involved in activities organised by or associated with Blackrock College.

2. AIMS

- To reflect and enhance the College ethos of concern for safety and security of school personnel and pupils as a paramount consideration.
- To promote and maintain the highest standards of interaction between school personnel and pupils.

- To foster key principles of respect for and partnership with pupils and their families and a shared responsibility in maintaining best practice in these inter-relationships.
- To develop and sustain a school ethos of accountability and openness between all partners in education.
- To ensure that staff members are aware of both signs of abuse and the procedure to follow if they suspect child abuse (Appendix 11, Appendix 111)

3. OBJECTIVES

- That all school personnel be aware of what constitutes clear boundaries on appropriate behaviour, physical contact, meetings and activities both in school and away from school.
- That College Management facilitate school personnel in maintaining this Code.
- That school personnel continue to put the Code into practice.
- That College personnel are given all necessary support in terms of training and information, for the exercising of their duty of care within the legal framework (Appendix 1)

4. PRINCIPLES

The code adopts principles which promote the student's wellbeing and safety as a paramount consideration while fundamentally supporting all school personnel in the education process, in partnership with parents.

Blackrock College:

- Promotes the fundamental rights of pupils and school personnel to be treated with respect, listened to and to be involved in matters which concern their well-being;
- Recognises that the welfare of the student lies at the heart of these principles;
- Ensures that pupils and school personnel are aware of their rights and are integral in the development of policies and procedures which safeguard those rights;
- Develops processes which ensure that partnership with pupils, school personnel, parents and the wider child welfare agencies, takes place as a core requirement in promoting welfare;

- Promotes an ethos of openness, transparency and accountability where all members of the school community are treated equally and fairly and that policies are applied consistently in an even-handed way whilst at all times upholding the principles of natural justice;
- Ensures that all members of the school community are aware of issues of prejudice and encourages respect for difference by working in a non-discriminatory way in relation to religion, race, class, gender and ability;
- Enables all school personnel to take responsibility for ensuring that the integrity of the professional relationship with pupils is maintained at all times.
- Liaises through the Designated Liaison Person (D.L.P.), with Health Boards and other appropriate agencies, with confidentiality, in the best interests of each child's wellbeing.

5. CODE OF PRACTICE: CORE PROVISIONS

PREAMBLE

There is an obligation on the school to provide students with the highest possible standard of care in order to promote their well being and protect them from harm.

All school personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in children. In situations where school personnel suspect that a child may have been abused, or is being abused, or is at risk of abuse, they should report this to the designated liaison person.

The Designated Liaison Person at Blackrock College is the Principal and in his absence, the Deputy Principal.

The Designated Liaison Person will act as a Liaison with outside agencies and as a resource person to any staff member or volunteer who has child protection concerns. As a resource person, the Designated Liaison Person should ensure that he is knowledgeable about child protection and undertakes any training considered necessary to keep himself updated on new developments. The D.L.P. will represent the school in all dealings with health boards, An Garda Síochána and other parties, in connection with allegations of and/or concerns about child abuse. Those other parties should be advised that they should conduct all matters pertaining to the processing or investigation of alleged child abuse through the Designated Liaison Person.

The Designated Liaison Person, or his nominated replacement, should immediately, or as soon as possible thereafter, inform the President that a report involving a student in the school has been submitted to the relevant health board. In the interest of protecting the anonymity of the child, no details of the report should be disclosed to the President unless there are issues which need to be addressed directly by him.

The Designated Liaison Person operates in accordance with the Child Protection Guidelines for Post-Primary Schools, published in September 2004.

5.1. Rights and Responsibilities

School personnel have a responsibility to promote and protect each student's well-being and welfare while exercising their duty of care as follows:

- Promoting a mutual relationship where pupils and staff are treated with dignity, sensitivity and respect, are enabled to express their opinions and concerns and to take responsibility for their behaviour and decisions;
- Ensuring that structures and processes are put in place, which promote the expression of feelings, fears and experiences openly, a healthy self-esteem and the acquisition of life skills in a safe learning environment. These structures include access to designated school personnel with a pastoral care function e.g. counsellor/chaplain, year dean, deputy principal, school principal, school president;

- Eliminating any behaviour which could be interpreted as intimidating, aggressive or bullying, such as: shouting, name calling, using nick names, invading personal space, swearing, using offensive language, telling offensive jokes;
- Avoiding at all times favouritism or forming a close relationship with one student over another;
- Acknowledging and bringing to the attention of the Principal/School Management any external personal relationship between a member of school personnel and a student, e.g. family relationship, which could potentially cause a conflict of interest or be perceived by others to compromise the professional relationship within the school;
- Responding to any complaint or allegation made by a student seriously and without undue delay in an informed, impartial, consistent and fair manner; Modelling standards of behaviour which are consistent with good practice and care at all times;
- Remaining sensitive to the fact that some pupils are more vulnerable than others and have special needs.
- Recognising indicators of possible abuse or reasonable grounds for concern (Appendix 1V).

5. 2. Physical Boundaries

Guidance is provided in the following section on what are acceptable standards of behaviour between school personnel and pupils; it is aimed at avoiding the possibility of misunderstanding or any allegation of misconduct.

- As a general principle, school personnel should be sensitive to the potential risks to personal safety and false allegation in any activity which involves physical contact.
- It is unrealistic and unnecessary, however, to suggest that physical contact should occur only in emergencies. In particular, a distressed student may need reassurance involving physical comforting, as a caring parent would provide. Such contact should only take place when it is acceptable to all persons concerned.
- Physical punishment is illegal, as is any form of physical response to misbehaviour, unless it is by way of necessary restraint or personal self-defence.
- All members of the school community should respect the personal space, safety and privacy of individuals.
- Any relationship of a sexual nature between any staff member and a student is unacceptable.
- A supervision rota system should be put in place where possible, where two appropriate members of staff are on duty when necessary in shower/changing areas.
- The College should promote the required standards of health and safety with regard to buildings, heating, lighting, ventilation, fire precautions, first aid equipment checks and the use of potentially dangerous equipment which must be supervised at all times.
- School laboratories in particular must be maintained to Dept. of Education and Science standards and all dangerous substances and equipment appropriately secured.
- The College photographic darkroom, computer rooms, music/singing rehearsal rooms, B.C.R. studio should have clear guidelines regarding their use.
- Staff who have to administer first-aid to a student should ensure, wherever possible, that this is done in the presence of other children or another adult. However, no member of staff should hesitate to provide first-aid in an emergency simply because another person is not present.

- Following any incident where a member of staff feels that his/her actions have been, or may be, misconstrued, a written report of the incident should be submitted immediately to his/her Designated Liaison Person [c.f. section 5.5.] or the school Principal.

5. 3. Boarding School

- In view of their status ‘in locus parentis’ a particular responsibility rests on the Boarding School management and staff to promote the Christian values of respect, trust, dignity and self-worth.
- Staff should be particularly careful when supervising pupils in the Boarding School where they are in proximity to pupils in circumstances very different from the normal day-school/work environment.
- A ‘Best Practice’ policy document applicable to their particular circumstances should be available, clearly stating the level of supervision of sleeping accommodation, recreation, study and changing facilities.
- A Policy Document for the Boarding School exists.

5. 4. One to one Meetings with Pupils

- i. Staff should be aware of the risks which may arise from one to one interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place. The norm must be that staff conduct such interviews in a room with visual access, or with the door open.
- ii. In the unusual situation where such conditions cannot apply, staff are advised to ensure that another adult knows that the interview is taking place. It may be necessary to use a sign indicating that the room is in use, but it is not advisable to use signs prohibiting entry to the room.
- iii. Where possible another adult should be present or nearby during the interview, and the school should take active measures to facilitate this.
- iv. Any one to one meeting should take place in the school premises only and a record of the meeting should be made.
- v. It is not recommended that a student be given a lift alone in a staff member's car. In the event that it is necessary, reasonable precautions should be taken by being accompanied by another adult or two other pupils.

5. 5. Referral and Networking

- In order to ensure that optimal support is available to all school personnel and pupils this code expects that Blackrock College has in place, an in-school team comprised of the Chairman of the Board of Management, Principal and Deputy Principal, which will deal with concerns and complaints that may arise.
- This in-school team must develop a network with key support agencies from both the statutory and voluntary services to whom referral can be made in the event of a concern/complaint arising which is outside the remit of the school professionals.
- The College Management too has a responsibility to be familiar with this network.
- A thorough knowledge of the key agencies working with children in the locality is essential. This includes having made contact with key personnel such as Health Board personnel and local Gardai.
- It is essential that the College has up to date documentation from the Departments of Education and Science, Health and Children as well as local policies and procedures with regard to student safety and the supports available in the school.
- All College policies and statements and procedures concerning
Ethos, Child Care & Protection, Bullying, Harassment, Drugs and Alcohol, Complaints, Grievances and Discipline, Safety, Data Protection, Boarding School and Guidelines for the Behaviour of Pupils.
As well as Dept. of Education & Science Circulars:
M33/91 [Suggested Code of Behaviour & Discipline for Post Primary Schools.],
M41/93 [Guidelines on Countering Bullying Behaviour in Primary & Post Primary Schools],
M41/92 [Procedures for dealing with allegations or suspicions of Child Abuse]
The A.S.T.I. Guidelines for Professional Behaviour for Teachers, and the Consultative Document 'Child Protection Guidelines for Post-Primary Schools (2004)'

5. 6. Confidentiality

- School personnel will treat in confidence all information about pupils including: name, address, phone numbers, biographical details and other descriptions of the student's life and circumstance which might result in identification of the student except as outlined hereunder:
 - to protect the interests of the student;
 - to protect the interests of society;
 - to safeguard the welfare of another student or individual.
- Consent of the student and/or parent to disclose such information must be sought where appropriate.
- The personal circumstance of any student will be discussed among school personnel only on a 'need-to-know' basis.

- Records of personal information will be maintained contemporaneously, dated, timed, accurately recording factual details, filed and stored securely.
- Access to such information will be available to designated school personnel only.
- Such confidentiality extends to staff members also where appropriate.
- Personal data on computer must be subject to a College Data Protection Policy, in line with the Data Protection Act 1988.

5.7. Harassment

- Blackrock College is committed to a school environment free from harassment, intimidation or offensive behaviour in any form, verbal or non-verbal and requires all staff and pupils to treat each other with respect and dignity. It is equally committed to the prevention and elimination of discrimination on the grounds of sex, marital status, race, colour, religion, nationality or disability.
- Harassment is defined as unwanted conduct that is offensive to the recipient. It is not the intention of the perpetrator but the deed itself and the impact on the recipient that constitutes harassment and unwanted conduct.
- It is the duty of each individual to be sensitive with regard to the impact they have on people around them.
- Verbally abusive language is unacceptable as is telling jokes of a sexual nature in the presence of pupils.
- The following key factors should be understood by school personnel:
 - Harassment might be one incident or occur over a number of occasions;
 - Most recipients of harassment simply want it to stop;
 - Harassment causes stress and requires a sensitive response and a degree of flexibility appropriate to the individual.
- School personnel are to be informed with regard to the policy on Sexual Harassment and Bullying.
- School personnel are to be informed with regard to their obligations in law and to the School Authority and that any behaviour likely to contravene this obligation may face disciplinary action.

5.8. Games and Extra-curricular Activities

- Personnel involved in coaching, managing or supervising school sport or extra-curricular activities should be familiar with and adhere to the codes of ethics of the Irish Sports Council and the Irish Rugby Football Union. The standards and values espoused in these codes (see Bibliography Appendix) can be applied in a modified way to all extra-curricular youth work.

5.9. Out of School Activities

“Experience indicates that many of the cases of alleged child abuse within the youth work setting occur during trips away from home” - Code of Good Practice. Child Protection for the Youth Work Sector. Dept. of Education & Science September 2002.

- School personnel have a duty to take all reasonable precautions to ensure the safety and protection of pupils when supervising them in the context of out of school activities.
- In the case of trips and outings involving an overnight stay the signing of a standard consent form by the parents /guardians is required.
- Any information about a student which may be deemed relevant such as allergies, medical problems or special needs should be provided by parents/carers in respect of all pupils and potential problems and responsibilities highlighted in advance of any school activity away from the locality. Equally, this information should be made available to relevant personnel.
- Parents should be provided with appropriate information about any host carers/host activity centres, enabling them to feel confident that their child will be looked after safely and securely.
- Information/briefing, including clarity concerning procedures, will take place in preparation for out of school activities with pupils, parents, staff and host agencies in advance of any trip away from school.
- Pupils should participate, relative to their ability, in the activity schedule when away on a school trip.
- A student's right to privacy will be promoted and includes provision for adequate and appropriate accommodation, sleeping and toiletry facilities.
- School Management and personnel must ensure that pupils are under the supervision of responsible adults and that the appropriate adult/student ratio* in relation to age, gender, and activity is in place in advance of the trip.
{*Dept. of Education & Science lists acceptable ratios:
(a) 1/15:‘local, normal risk’ ; (b) 1/10:‘trips abroad’}

- Appropriate and well supervised sleeping arrangements, giving consideration to the appropriate adult/student ratio in relation to age, gender, and activity must also be put in place.
- The school takes its 'duty of care' while acting 'in loco parentis' extremely seriously and will make adequate provision to ensure that it is discharged at all times in the best interest of both the pupils and school personnel.
- The school policy on Child Care and Protection will be complied with in the event of a student protection matter arising. (Refer to Child Protection Policy and Procedures)
- Pupils should have the opportunity to communicate their views, including complaints, during the trip away or on their return to the College.
- The inclusion of pupils with disabilities in any such trip will be promoted.
- Pupils are obliged to treat the event organisers and carers with respect.
- The Code of Behaviour will apply at all times as appropriate.
- Consideration will be given to ensuring, as far as is reasonable, that safe methods of transport are available and that all relevant insurance cover is in place prior to taking pupils out of school.

5.10. Internet Access and the Choice and Use of Teaching Materials

- The College must have in place a screening facility which will monitor any illegal and/or unauthorised access to the internet such as access to pornographic sites, violent material or illegal organisations. Accessing any such material or facilitating such access will invoke the disciplinary procedures with immediate effect.
- Teachers should avoid using teaching materials, the choice of which might be misinterpreted and reflect upon the motives for the choice.
- When using teaching materials of a sensitive nature a teacher should be aware of any potential risk or injurious interpretation. Consultation with Management and parents when proposing to use materials such as the AIDS education materials or sex education programmes is advisable.
- If in doubt about the appropriateness of a particular teaching material, the teacher should consult with the principal before using it.
- The use of video/DVD and other media for educational or recreational purposes must be age appropriate to the youngest student viewer.
- Published materials and posters of a pornographic nature or advocating violence, illegal organisations or substances are not acceptable.
- The use of picture phones is not permitted on the College campus or at out of school activities associated with Blackrock College.
- No recognisable image of a student or of College personnel may be put on any internet site associated with the College.

6. INVESTIGATIONS

School personnel and pupils are jointly responsible for maintaining standards of behaviour and conduct where respect, integrity and empowerment are promoted.

- It is primarily the responsibility of the individual member of staff to ensure that her/his behaviour is appropriate and professional.
- A complaint arising either formally or informally or any alleged breach of these guidelines may constitute grounds for further investigation and the complaints procedure will be applied as appropriate. (Refer to the Complaints Procedure)
- Retaliation against a student or colleague for making a complaint is a disciplinary matter.
- Equally, a malicious complaint will be treated as misconduct and the appropriate discipline/code of behaviour will apply.
- In the event of disciplinary action being taken the individual involved will have the following rights in accordance with procedures on grievance and discipline:
 - o a right to be informed of the details of the complaint;
 - o a right to reply;
 - o a right of appeal;
 - o a right to an independent assessment;

7. SUPPORT AND STAFF TRAINING

From time to time, it is prudent for all staff to reappraise their teaching styles, relationships with children/young people and their manner and approach to individual children/young people, to ensure that they give no grounds for doubt about their intentions, in the minds of colleagues, of children/young people or of their parents/guardians.

- It is the responsibility of School Management to bring the Code of Practice to the attention of all school personnel, pupils and parents.
- School personnel must have a thorough working knowledge of the Code of Practice.
- School personnel must affirm their commitment to the Code and to their ongoing professional development through professional development in-service training and courses.
- School personnel must abide by the professional codes, ethical and equality requirements, as laid down by legislation and documented in school-based policies.
- Support of school personnel is an integral part of the process of implementing the Code of Practice.

8. IMPLEMENTATION

School Management takes responsibility for proposing and mandating the development and implementation of the code of practice.

The process by which the code of practice will be promoted within the school community will be identified.

Resources required to develop and implement the policy will be identified.

To this end a clear action plan will be set in place with an agreed time-scale.

9. EVALUATION AND REVIEW

Evaluation and review of the policy is an essential pre-requisite in realising key quality standards in service delivery.

The evaluation process will entail a review of the code against the criteria set out in the aims, objectives and principles and an analysis of the extent to which the code was applied.

Policy Evaluation and Review should take place within two years of its adoption.

ACKNOWLEDGEMENT

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The Subcommittee wishes to acknowledge their extensive drawing on
*'A Code of Practice for Mercy Schools:
The Principles of Best Practice concerning the inter-relationship between pupils and all school personnel. 2002'*

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APPENDIX

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INTRODUCTION AND LEGAL FRAMEWORK

Introduction

- 1.1 The guidelines contained in this document have been drawn up following consultations between the Department of Education and Science, the health boards and organisations representing school management, parents and teachers. These guidelines are based on the "Children First: National Guidelines for the Protection and Welfare of Children" which were published in 1999 by the Department of Health and Children and should be read in conjunction with *Children First*. The language used in these guidelines adheres as closely as possible to the language used in *Children First*.
- 1.12 The primary aim of these guidelines for schools is to give direction and guidance to school management authorities and school personnel in dealing with allegations/suspensions of child abuse. In addition, they also aim to provide sufficient information to school management authorities and school personnel to enable them to be alert to and to be aware of what to do in situations where there is a concern, suspicion or allegation of child abuse.
- 1.1.3 In all cases, the most important consideration to be taken into account is the protection of children. In this regard, these guidelines emphasise that the safety and well-being of children must be a priority. If school personnel have concerns that children with whom they have contact may have been abused, or are being abused, or are at risk of abuse, the matter should be reported without delay to the relevant health board. The reporting procedures outlined in Chapter 4 of these guidelines should be followed.
- 1.1.4 In the interests of the welfare and protection of children, it is incumbent on school authorities and school personnel to adhere to these guidelines in dealing with allegations or suspicions of child abuse. These guidelines replace Circular M41/92 - "Procedures for Dealing with Allegations or Suspicions of Child Abuse" that issued to all post-primary schools in 1992.

1.2 Confidentiality 1

- 1.2.1 All information regarding concerns of possible child abuse should only be shared on a "need to know" basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue.
- 1.2.2 However, giving information to those who need to have that information, for the protection of a child who may have been abused, or is being abused, or is at risk of abuse, is not a breach of confidentiality.
- 1.2.3 Any Designated Liaison Person who is submitting a report to the health board or An Garda Síochána should inform a parent/carer unless doing so is likely to endanger the child or place the child at further risk.² A record should be made of the information communicated to the parent/carer. A decision not to inform a parent/carer should be briefly recorded together with the reasons for not doing so. In cases where school personnel have concerns about a child, but are not sure whether to report the matter to the health board, the Designated Liaison Person should seek advice from the Duty Social Worker in the health board.

¹ Children First - section 5.2

² Children First - section 4.5.2

- 1.2.4 It is not the responsibility of school personnel to investigate or to make enquiries of parents/carers or guardians, and in some cases it could be counter-productive for them to do so. It is a matter for the appropriate health board to investigate suspected abuse and determine what action to take, including informing An Garda Síochána.
- 1.2.5 In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with the appropriate health board, An Garda Síochána should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending health board intervention.³

1.3 Protection for Persons Reporting Child Abuse Act, 1998⁴

- 1.3.1 The Protection for Persons Reporting Child Abuse Act, 1998 came into operation on 23rd January 1999. Its main provisions are:
- 1.3.2 The provision of immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers of health boards or any member of the Garda Síochána.
- 1.3.3 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.
- 1.3.4 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.

1.4 Qualified Privilege

- 1.4.1 While the legal protection outlined in 1.3 above only applies to reports made to the appropriate authorities (i.e. the health boards and An Garda Síochána), this legislation has not altered the situation in relation to common law qualified privilege which continues to apply as heretofore. Consequently, should a member of a Board of Management or school personnel furnish information with regard to suspicions of child abuse to the Designated Liaison Person of the school, or to the Board of Management, such communication would be regarded under common law as having qualified privilege.
- 1.4.2 Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, acting in loco parentis, would be expected to act in the child's best interests and making the report would be regarded as acting in such a manner. Privilege can be displaced only where it can be established that the person making the report acted maliciously.
- 1.4.3 Furthermore, those reporting a child's disclosure or concerns about a child's behaviour or welfare are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing charge.

³ Children First – section 4.5.3

⁴ Department of Health and Children

1.5 Freedom of Information Acts, 1997 & 2003⁵

- 1.5.1 Any reports which are made to health board may be subject to the provisions of the Freedom of Information Act, 1997, which enables members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Act also provides that public bodies may refuse access to information obtained by them in confidence.⁶
- 1.5.2 The exemptions and exclusions which are relevant to child protection include the following:
- (i) protecting records covered by legal professional privilege;
 - (ii) protecting record which would facilitate the commission of a crime;
 - (iii) protecting records which would reveal a confidential source of information.

1.6 The Data Protection Acts, 1988 and 2003^{7,8}

- 1.6.1 The Data Protection Acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as "data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller". The Data Protection Amendment Act 2003 brought manual records into the scope of the legislation whereas the 1998 Act referred only to computer files.
- 1.6.2 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/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.

DEFINITION AND RECOGNITION OF CHILD ABUSE⁹

2.1 Categories of Child Abuse

2.1.1 All school personnel should be familiar with signs and behaviours that may be indicative of child abuse. Child abuse can be categorised into four different types: neglect emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. For detailed definitions of abuse, refer to Children First: National Guidelines for the Protection and Welfare of Children (Department of Health & Children). The categories of abuse may be summarised as follows:

2.1.2 Child Neglect¹⁰

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, 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 his/her 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 instance, a child who suffers a series of minor injuries may not be having his or her needs met for supervision and safety. A child whose ongoing failure to gain weight or whose height 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.

2.1.3 Emotional Abuse¹¹

Emotional abuse is normally to be found in the relationship between an adult and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security is not met. It is rarely manifested in terms of physical symptoms. For children with disabilities it may include over-protection or conversely failure to acknowledge or understand a child's disability.

Examples of emotional abuse include:

- (a) Persistent criticism, sarcasm, hostility or blaming;
- (b) Where the level of care is conditional on his or her behaviour;
- (c) Unresponsiveness, inconsistent or inappropriate expectations of a child;
- (d) Premature imposition of responsibility on the child;
- (e) Over or under protection of the child;
- (f) Failure to provide opportunities for the child's education and development;
- (g) Use of unrealistic or over-harsh disciplinary measures;
- (h) Exposure to domestic violence.

9 Children First Chapter 3

10 Children First - section 3.2

11 Children First - section 3.3

Children show signs of emotional abuse by their behaviour (e.g. excessive clinginess to or avoidance of the parent/carer), by their emotional state (e.g. low self-esteem, unhappiness), or by their development (e.g. non-organic failure to thrive). The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

2.1.4 **Physical Abuse**¹²

Physical abuse is any form of non-accidental injury or injury which results from willful or neglectful failure to protect a child, including:

- (a) Shaking;
- (b) Use of excessive force in handling;
- (c) Deliberate poisoning;
- (d) Suffocation;
- (e) Munchausen's syndrome by proxy (where parents/carers fabricate stories of illness about their child or cause physical signs of illness);
- (f) Allowing or creating a substantial risk of significant harm to a child;

2.1.5 **Sexual Abuse**¹³

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 the following:

- 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 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.

¹² Children First – section 3.4

¹³ Children First – section 3.5

- vi) Sexual activity involving an under-age person. In relation to child sexual abuse it should be noted that, for the purposes of the criminal law, the age of consent (see glossary) for sexual intercourse varies according to the people involved. For example, sexual intercourse between a 16 year-old girl and her 17 year-old boyfriend is illegal, although it might not be regarded as constituting child sexual abuse. In all cases where a school becomes aware of underage sexual intercourse the school should take appropriate steps to inform the child's parents.

The decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects of any case will be dealt with by An Garda Síochána under the relevant legislation.

Cases of underage pregnancy/sexual activity may be indicative of child abuse. If such concerns exist the Designated Liaison Person for the school should seek advice from the Duty Social Worker as set out in paragraph 4.2.2 of these Guidelines.

Where a decision is made to report the matter to the Health Board, the reporting procedures outlined in Chapter 4 of these Guidelines should be followed.

2.2 Signs and Symptoms of Child Abuse

Signs of abuse can be physical, behavioural or developmental. A cluster or pattern of signs is the most reliable indicator of abuse. The following indicators should be noted. It is important, however, to realise that all of these indicators can occur in other situations where abuse has not been a factor and that the list is not exhaustive.

Physical Indicators

Unexplained bruising in soft tissue areas
Repeated Injury
Black eye(s)
Injuries to mouth
Torn or bloodstained clothing
Burns and scalds
Bites
Fractures
Marks from Implements
Inconsistent stories, excuses relating to injuries

Behavioural/Developmental Indicators

Unexplained changes in behaviour - becoming withdrawn or aggressive
Regressive Behaviour
Difficulty in making friends
Distrustful of adults or excessive attachments to adults
Sudden drop in performance
Inappropriate sexual awareness, behaviour or language
Unusual reluctance to remove clothing
Reluctance to go home
Change in attendance pattern**

** The Education Welfare Act 2000 requires a Principal to report certain categories of nonattendance to an Educational Welfare Officer. However, where it is considered that a pattern of non-attendance may also be an indicator of possible child abuse it remains the responsibility of the Designated Liaison Person in the school to consult with and/or report the matter to the health board.

Particular behavioural signs and emotional problems suggestive of child abuse in older children (10 years+) may include mood change (e.g. depression, failure to communicate), running away, substance abuse (e.g. drugs, alcohol, solvents), self mutilation, suicide attempts, delinquency, truancy, eating disorders and isolation. All signs/indicators need careful assessment relative to the child's circumstances.

More detailed information on the signs and symptoms of child abuse is provided in Chapter 3 and Appendix 1 of Children First.

Children with Special Vulnerabilities¹⁴

Certain children are more vulnerable to abuse than others. These include children with disabilities and children who, for one reason or another, are separated from parents or other family members and who depend on others for their care and protection. The same categories of abuse - neglect, emotional abuse, physical abuse, sexual abuse - may be applicable, but may take a slightly different form. For example, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints.

PEER ABUSE AND BULLYING ²⁹

6.1 Introduction

- 6.1.1 In some cases of child abuse the alleged perpetrator will also be a child. Peer abuse is a complex area and school personnel are advised to familiarize themselves in this regard with the advice provided in Chapter 11 of *Children First*.

6.2 Sexual abuse by children and young people

- 6.2.1 It is important that potentially abusive behaviour between children is not ignored and, as appropriate, certain cases should be referred to the health board. However, it is also very important that the different types of behaviour are clearly identified and that no young person is wrongly labelled "a child abuser", without a clear analysis of the particular behaviour. The *Children First* guidelines outline four different categories of behaviour, which warrant attention. These are detailed under the following headings.

Normal Sexual Exploration: This could consist of naive play between two children which involves the exploration of their sexuality. This type of behaviour may be prompted by exchanges between children such as: "you show me yours and I'll show you mine" . One of the key aspects of this behaviour is the tone of it. There should not be any coercive or dominating aspects to this behaviour. Usually, there is no need for child protection intervention of any kind in this type of situation.

Abuse Reactive Behaviour: In this situation, one child who has been abused already, acts out the same behaviour on another child. While this is serious behaviour and needs to be treated as such, the emphasis should be on addressing the victim needs of the child perpetrator.

Sexually Obsessive Behaviour: In this type of situation the children may engage in sexually compulsive behaviour. An example of this would be excessive masturbation which may well be meeting some other emotional need. Most children masturbate at some point in their lives. However, where children are in care or in families where care and attention is missing, they may have extreme comfort needs that are not being met and may move from masturbation to excessive interest or curiosity in sex, which takes on excessive or compulsive aspects. These children may not have been sexually abused but they may be extremely needy and may need very specific help in addressing these needs.

Abusive Behaviour by Adolescents and Young People: Behaviour that is abusive will have elements of domination, coercion or bribery and certainly secrecy. The fact that the behaviour is carried out by an adolescent, for example does not, in itself, make it "experimentation". However, if there is no age difference between the two children or no difference in status, power or intellect, then one could argue that this is indeed experimentation. On the other hand, if the adolescent is aged thirteen and the child is aged three, this gap in itself creates an abusive quality which should be taken seriously.

- 6.2.2 In a situation where child abuse is alleged to have been carried out by another child, the reporting procedures outlined in Chapter 3 of these guidelines should be followed.
- 6.2.3 Inappropriate sexualised behaviour between children, as outlined in Chapter 11 of Children First, must be taken seriously . Schools should arrange separate meetings with the parents/carers of all the children involved in such behaviour with a view to resolving the situation.
- 6.2.4 Inappropriate sexualised behaviour may also be indicative of a situation that requires assessment by the health board. Children who are abusive towards other children require comprehensive assessment and therapeutic intervention by skilled child care professionals. It is known that some adult abusers begin abusing during childhood and adolescence, that significant numbers will themselves have suffered abuse and that the abuse is likely to become progressively more serious. Early referral and intervention is therefore essential.
- 6.2.5 In cases where school personnel have concerns about a child, but the Designated Liaison Person is not sure whether to report the matter to the health board, the Designated Liaison Person should seek advice from the Duty Social Worker in the health board. In consulting the Duty Social Worker, the Designated Liaison Person should be explicit that he/she is requesting advice and consultation and that he/she is not making a report. At this informal stage the Designated Liaison Person need not give Identifying details. If a health board advises that a referral should be made, the Designated Liaison Person should act on that advice.
- 6.2.6 In cases where children are sexually abusive towards other children, it is the responsibility of the relevant health board to establish appropriate treatment programmes to cater for children who engage in abusive behaviour against other children.
- 6.2.7 Schools should make appropriate arrangements to minimise the possibility of any abusive behaviour re-occurring within the school. Schools should also provide assurances to parents/carers of the abuse victim that the school will take all reasonable measures to ensure the safety of their children within the school. The principal and teachers concerned should make arrangements to meet, individually, the parents/carers of all the children involved in the incident with a view to addressing the matter.

6.3 Bullying

- 6.3.1 It is recognised that bullying in schools is a problem. School management authorities are responsible, in the first instance, for dealing with bullying in school and should exercise this responsibility having regard to the *Guidelines on Countering Bullying Behaviour in Primary and Post-Primary Schools* which were issued in 1993 by the Department of Education and Science. It is imperative that Boards of Management have a policy in place to deal with bullying and that teachers are aware of this policy and of procedural guidelines to deal with bullying which are included in the school's code of behaviour and discipline. In situations where the incident is serious and where the behaviour is regarded as potentially abusive, the school should consult the relevant health board with a view to drawing up an appropriate response.
- 6.3.2 Bullying can be defined as repeated aggression be it verbal, psychological or physical which is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviour, such as teasing, taunting, threatening, hitting, exclusion or extortion by one or more persons against a victim. The more extreme forms of bullying behaviour, when they are perpetrated by adults rather than children, would be regarded as physical or emotional abuse. Only such serious incidences of bullying should be referred to the health board. However, other major forms of child abuse such as neglect and sexual abuse are not normally comprehended by the term bullying.

3.3 Recognition of possible signs of abuse

The Children First guidelines state that the D.L.P. should be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse.

The following examples are quoted¹⁶ as constituting reasonable grounds for concern:

- i) Specific indication from the child that he/she was abused;
 - ii) An account by a person who saw the child being abused;
 - iii) Evidence, such as injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
 - iv) An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it is a case of abuse – e.g. a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour'
- and
- v) Consistent indication, over a period of time that a child is suffering from emotional or physical neglect.

- 3.3.3 A suspicion, which is not supported by any objective indication of abuse or neglect would not constitute a reasonable suspicion or reasonable grounds for concern.¹⁷
However, when in doubt, please inform the D.L.P.

3.4 Dealing with disclosures from children

- 3.4.1 An abused child is likely to be under severe emotional stress and a member of staff may be the only adult whom the child is prepared to trust. Great care should be taken not to damage that trust.
- 3.4.2 When information is offered in confidence, the member of staff will need tact and sensitivity in responding to the disclosure. The member of staff 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/her, but not to make promises that cannot be kept e.g. promising not to tell anyone else.

¹⁶ Children First – section 4.3.2

¹⁷ Children First – section 4.3.3

- 3.4.3 While the basis for concern must be established as comprehensively as possible, the following advice¹⁸ is offered to school personnel to whom a child makes a disclosure of abuse:
- 3.4.4 It is important to deal with any allegation of abuse 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;
- a) It is important to stay calm and not to show any extreme reaction to what the child is saying. Listen compassionately and take what the child is saying seriously;
 - b) It should be understood that the child has decided to tell about something very important and has taken a risk to do so. The experience of telling should be a positive one so that the child will not mind talking to those involved;
 - c) The child should understand that it is not possible that any information will be kept a secret;
 - d) No judgmental statement should be made about the person against whom the allegation is made;
 - e) The child should not be questioned unless the nature of what s/he is saying is unclear. Leading questions should be avoided. Open, non-specific questions should be used such as "Can you explain to me what you mean by that?";
 - f) The child should be given some indication of what would happen next, such as informing the Designated Liaison Person, parents/carers, health board or possibly An Garda Siochana. It should be kept in mind that the child may have been threatened and may feel vulnerable at this stage.
 - g) Record the disclosure immediately afterwards using, as far as possible, the child's own words.

The duty of the recipient of such information is to report it to the Designated Liaison Person. It must always be remembered that school personnel have a supportive, not an investigative role.

3.5 Record Keeping

- 3.5.1 When child abuse is suspected, it is essential to have a written record of all the information available. Personnel should note carefully what they have observed and when they observed it. Signs of physical injury should be described in detail and, if appropriate, sketched. Any comment by the child concerned, or by any other person, about how an injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. The record of the discussion should be signed and dated and given to and retained by the Designated Liaison Person.

¹⁸ "Code of Ethics & Good Practice for Children's Sport" – Irish Sports Council and the Sports Council of Northern Ireland

- 3.5.2 All records created should be regarded as highly confidential and placed in a secure location by the Designated Liaison Person.
(Note section 1.6 of these guidelines with regard to the Data Protection Acts)
- 3.5.3 It is possible that school personnel may subsequently be invited to attend a child protection conference by the appropriate health board.
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