

Appendix XX – Policy for Child Protection and Welfare



Policy & Procedure Title:

Policy and Procedure for Child Protection & Welfare

Effective Date	1 st December 2018	Version	5.0
Approved By	Academic Council Governing Body	Date Approved	26 th November 2018 29 th November 2018

Form(s)	Responsibilities/ Owner
	Head of Faculty / Campus
	Vice President for Academic Affairs & Registrar
	Designated Liaison Person
Superseded or Obsolete Procedures	
Version 04 – May 2018 - Policy reviewed to reflect requirements under Equality Diversity & Inclusion	
Version 03 – Mar 2017- Policy reviewed to reference TUSLA as the child and family agency and to reference the role of the deputy designated liaison person	
Version 02 – Oct 2016 - Policy reviewed to modify scope	
Version 01 – Nov 2012 - Policy reviewed to update legislation reference and reflect changes to title of Faculty	

Policy & Procedure for Child Protection & Welfare

1.0 Purpose of this procedure

SETU Carlow recognises that the welfare of children is of paramount importance and that SETU Carlow has a responsibility to protect children from abuse. When abuse is suspected SETU Carlow shall report this to the TUSLA, child and family agency, services in accordance with “*Child First: National Guidance for the protection and welfare of Children*”.

The purpose of this procedure is to apply the provisions of *Child First* guidance to the work and activities of SETU Carlow. The *Child First* document is accessible at:

http://www.dcy.gov.ie/documents/child_welfare_protection/ChildrenFirst.pdf

2.0 Scope

This procedure is applicable to all children (i.e. a person under the age of 18 years, excluding a person who is or has been married), who

- is a learner of SETU Carlow
- is employed by SETU Carlow
- Is a user of services of SETU Carlow with the express permission of the University (e.g. a user of sporting or other facilities of SETU Carlow, or on work placement, attending an open day, etc.).

This procedure shall also apply to situations where the behaviour of learners toward children raises concern of abuse or neglect.

Please Note: The University cannot and does not take responsibility for any unsupervised minors who are on Campus without the express permission of the University. Nonetheless should the University become aware of any suspected abuse or neglect of children on Campus, the procedure outlined below will be followed.

3.0 Responsibilities

a. All staff

All staff shall be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. When they have a reasonable ground for concern they shall be expected to raise this, in the first instance, with SETU Carlow’s designated liaison person. If for any reason the designated liaison person is not available the staff member may raise their concerns with a deputy designated liaison person or their manager or HR Manager. Staff, as individuals are also free to consult with or report their concerns directly to TUSLA or An Garda Síochána.

Under no circumstances should a child be left in a situation that exposes that child to harm or to risk of harm pending TUSLA intervention. In the event of an emergency

where it appears a child may be in immediate danger staff shall contact the TUSLA or alternatively the Garda, through any Garda station.

b. Designated Liaison Person

The Designated Liaison Person shall:-

- I. act as a liaison with outside agencies and a resource person to any staff or learner who has child protection concerns.
- II. be responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in TUSLA or in the event of an emergency and the unavailability of the TUSLA, to An Garda Síochána
- III. ensure that they are knowledgeable about child protection and shall undertake training considered necessary to keep them up to date on new developments.
- IV. Follow up on any concerns brought back by students of the University arising from placements having first reported such concerns to the placement deputy designated liaison person.
- V. inform the president , or other designated manager of all complaints.

c. Deputy Designated Liaison Persons

- I. Assist the designated liaison person to ensure that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in TUSLA or in the event of an emergency and the unavailability of the TUSLA, to An Garda Síochána
- II. ensure that they are knowledgeable about child protection and shall undertake training considered necessary to keep them up to date on new developments.
- III. inform the designated liaison person, as soon as practicable of all complaints.

d. Mandated Persons

- I. The Children First Act 2015 places a legal obligation on certain persons, many of whom are professionals, to report harm to children at or above a defined threshold, to TUSLA.
- II. Mandated persons who have contact with children and are so designated due to their qualifications, training and/or employment role are in a key position to help protect children from harm (see schedule 2 Children First Act 2015). See also Appendix 1 of 'A Guide for the reporting of Child Protection and Welfare Concerns' for complete list of mandated persons.
- III. Mandated persons have an obligation to assist TUSLA, if requested, in assessing a concern which has been the subject of a mandated report

SETU Carlow's Designated Liaison Person is Head of Faculty of Business & Humanities. Phone: 059 9175306 or email dlp@itcarlow.ie. A list of names and contact numbers of deputy designated liaison persons is available on the University website at www.itcarlow.ie

Procedure for addressing complaints of child neglect or abuse

- a. For anyone who has concerns about child neglect or abuse, and where these concerns are formed reasonably and in good faith, they have a duty to report these to the TUSLA. This may be done as follows:-
 - I. Seek the assistance of SETU Carlow's designated liaison person to assess the information concerning this matter with the guidance of the *Child First* national guidelines and when appropriate to report these concerns to TUSLA using the Standard report form provided at appendix 3 of the *Child First* Guidelines http://www.dcy.gov.ie/documents/child_welfare_protection/ChildrenFirst.pdf
 - II. In the absence of SETU Carlow's designated liaison officer, staff are advised to contact a deputy designated liaison or their manager or HR Manager.
 - III. Where there is a concern that a child is in immediate danger, staff shall contact TUSLA or alternatively the Garda (through any Garda station) immediately. In these circumstances the staff member shall then inform the designated liaison person of the referral to TUSLA or Garda and the nature of that referral, at the earliest possible opportunity.
 - IV. Staff, as individuals are also free to consult with or report their concerns directly to TUSLA or An Garda Síochána.
- b. The designated liaison person shall always inform TUSLA when they have reasonable grounds for concern that a child has been, or is at risk of being abused or neglected. In determining what reasonable grounds are, the guidance offered by the *Child First National Guidance for the Protection and Welfare of Children* shall be used to direct this course of action.
 - I. When reporting these concerns the Standard Report Form provided by TUSLA (Appendix 3 *Child First* Guidance) shall be used. A copy of this form shall be sent to the President (or in the absence of the president other designated manager) who shall determine whether the allegations relate, in the case of staff to behaviour associated with their work duties, or in the case of a learner, to their course of study. The President or other designated manager shall then advise whether the staff member or learner should be approached before the referral is posted to TUSLA.
 - II. Given the need to proceed without undue delay the designated liaison person shall typically be expected to formally notify TUSLA within 5 working days of being

informed of the concerns (when it is feared there are immediate dangers for the child this notification shall be made immediately). In circumstances where there are additional complications there is likely to be ongoing discussions with TUSLA and /or An Garda Síochána who shall be kept up to date on SETU Carlow's response to the complaint. This liaison shall also ensure that the responses of SETU Carlow do not undermine or frustrate any investigations / assessments conducted by TUSLA and /or An Garda Síochána.

- III. The designated liaison person shall seek to be notified of the outcome of an investigation and/or assessment to assist with reaching a decision about what action may be taken in the longer term concerning the employee or learner through SETU Carlow's own internal procedures.
- c. Upon receipt of the standard report form the President or designated manager shall:
 - I. When the allegations relate an employee's behaviour in the course of their duties, the president shall refer this matter to the appropriate line manager and it shall be the manager's responsibility, with advice from the HR Manager, to inform the employee of the allegation and nature of the allegation made against them. The employee shall be given an opportunity to respond immediately to this allegation and this immediate response shall be reported to the designated liaison person who shall detail this in the report to TUSLA. SETU Carlow may decide to investigate these allegations further under SETU Carlow's Disciplinary Procedure.
 - II. When the allegations relate to a learner and their behaviour in the course of their study, the President shall refer this matter to the Vice President for Academic Affairs & Registrar who shall be responsible for informing the learner of the allegation and the nature of the allegation made against. The learner shall be given an opportunity to respond immediately to this allegation and this immediate response shall be reported to the designated liaison person who shall detail this in the report to TUSLA. SETU Carlow may decide to investigate these allegations further under the Learner Code of Discipline.
 - III. When the allegations do not relate to the employee's behaviour in the course of their duties or, in the case of learners to their behaviour in the course of their studies, the president shall refer the matter back to the designated liaison person for immediate action.

1. Cases not reported by SETU Carlow to TUSLA or An Garda Síochána

If SETU Carlow decides not to report concerns to TUSLA or An Garda Síochána, the individual who raised the concern should be given the reasons why SETU Carlow is not taking such action. The individual concerned shall be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to TUSLA or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith' (see *Paragraph 3.10.1 of the Child First Guidelines*).

2. Confidentiality

All individuals involved in this procedure should maintain confidentiality throughout, consistent with the requirements of a fair examination and response. Breaches of confidentiality may result in disciplinary action.

All information regarding concern of child abuse or neglect shall be shared on a "need to know" basis in the interests of the child with the relevant statutory authorities.

3. Legal Protections

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers within TUSLA (see *Appendix 10*) or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report.

A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

TUSLA Services Local Contact Details

CARLOW	Social Work Office, Ground Floor, St. Dymphna's Hospital, Athy Road, (059) 913 6587
WEXFORD	Gorey Health Centre, Hospital Grounds, Gorey, Co. Wexford (053) 943 0100 Enniscorthy Health Centre, Millpark Road, Enniscorthy, Co. Wexford (053) 923 3465 New Ross Health Centre, Hospital Grounds, New Ross, Co. Wexford (Contact through Ely House below) Social Work Department, Ely House, Ferrybank, Co. Wexford (053) 912 3522 Ext. 201
WICKLOW	Social Work Department, HSE Glenside Road, Wicklow Town, Co. Wicklow (0404) 60800 Bray: Social Work Department, The Civic Centre, Main Street, Bray, Co. Wicklow (01) 274 4180 (01) 274 4100 Delgany: Social Work Department, Delgany Health Centre Delgany, Co. Wicklow (01) 287 1482

National contact details are available on page 74 (Appendix 2) of the *Child First* guidelines.

Staff Training

SETU Carlow shall support specific and ongoing training provided by TUSLA to the University designated liaison person, deputy designated liaison persons and mandated persons. The University through its departments and professional services sections shall also provide briefings for all staff that are in contact with children through their work.