

Child Protection Guidelines for Persons Employed by the National Council for Special Education

Procedures for Dealing with Allegations of Child Abuse

1 Introduction

1.1 The purpose of these Guidelines is to provide direction and guidance to National Council for Special Education (NCSE) staff in dealing with any allegations of child abuse which are made to the NCSE and to set out procedures in this regard taking account of the *Children First* guidelines and the guidelines issued by the Department of Education and Skills to schools. The intention of the guidelines is to ensure that the interests of children are safeguarded and that allegations are dealt with appropriately by NCSE and its staff.

1.1.1 All staff are asked to familiarise themselves with the revised procedures set out below.

1.2 Sections 1 to 5 and Section 7 of these procedures relate to allegations of child abuse made to NCSE staff against people employed by (or connected with schools in a voluntary capacity) or concerning students enrolled in schools. In adopting these procedures, the NCSE has taken cognisance of the fact that

- Special Educational Needs Organisers and Senior SENOs in the course of their work will have regular direct and indirect contact with school personnel, parents and children and
- Other staff working in the NCSE's offices will have mainly written, email or telephone contact with school personnel, parents, children and other members of the public.

1.3 Section 1, 3, 4, 6 and 7 of these procedures relate to allegations made against NCSE staff by a person who is not employed by the NCSE.

1.4 The procedures outlined in these Guidelines should be adhered to by all staff so as to ensure that any allegations of child abuse which are reported to the NCSE or otherwise come to the notice of NCSE staff, **whether current or having occurred in the past**, are responded to in an effective and appropriate manner. Where an officer is unsure in relation to any particular issue or situation which may arise in applying these procedures, the officer should consult with the NCSE Head of Corporate Services. Where the nature of any allegation does not allow for these procedures to be fully applied, the NCSE will deal with those allegations in line with Children First and having regard to its responsibility in the area of child protection.

1.5 An official of the NCSE may be informed of an allegation of child abuse while not working on official business for the NCSE, e.g. a person may approach an official about a concern in relation to child abuse in a school or another member of NCSE staff, while s/he is on personal business, on leave, at home or at a private function when the official is off duty. Given that the protection of the child is of paramount concern in relation to any allegation or

concern of child abuse, the procedures as outlined in these Guidelines should also be followed in these situations.

1.6 What is Child Abuse?

Child abuse can take many forms, but usually consists of one or more of the following

Neglect: where a child's needs for food, warmth, shelter, nurturance and safety are not provided, to the extent that the child suffers significant harm

Emotional Abuse: Where a child's needs for affection, approval and security are not being met and have not been met for some time by their parent or carer

Physical Abuse: Where a child is assaulted or injured in some way that is deliberate.

Sexual Abuse: Where a child is used for the sexual gratification of others

The above is a summary definition only. Please refer to the complete definition in the *Children First Guidelines- Chapter 3 and Appendix 1* (Definition and Recognition of child Abuse and Sign and Symptoms of Abuse). In the case of any doubt as to whether an allegation received relates to abuse, the matter should be reported to the Head of Corporate Services NCSE.

2 Children First Guidelines issued to Schools and others by the Department of Health and Children and by the Department of Education and Skills

2.1 The Department of Health and Children prepared and issued national guidelines *Children First* in 1999. The Guidelines state that the protection and wellbeing of the child is the most important consideration in dealing with such cases.

2.1.1 The Department of Education and Skills also issued child protection guidelines to primary schools in 2001 and to post-primary schools in 2004 which set out the steps to be followed by a school in dealing with allegations or suspicions of child abuse.

2.2 The DES guidelines for schools require each board of management to designate a senior member of staff, normally the principal, as the Designated Liaison Person (DLP) for the school. The DLP acts as a liaison person with the health authorities and other agencies on child protection issues and as a resource person to any staff member who has concerns in this regard. Where there are reasonable grounds for an allegation or suspicion of child abuse, the school's DLP should report the matter without delay to the Local Health Office of the Health Services Executive (HSE). Where in the case of alleged or suspected abuse it is believed that an employee may pose a threat to the

safety or welfare of children, the chairperson of the board of management should request the employee to take leave of absence pending investigation of the matter and the Department of Education and Skills should be notified accordingly.

2.3 Copies of summary and full versions of the Department of Health and Children and DES Child Protection Guidelines and Procedures for primary and post-primary schools are available on the NCSE website http://www.ncse.ie/publications/Child_Protection_Guidelines.asp. NCSE Staff, and in particular SENOs and other staff whose work brings them into regular contact with schools and children, should familiarise themselves with these Guidelines.

3 Basic Principles

3.1 The over-riding concerns of the NCSE in respect of any allegation of child abuse must be the welfare and protection of the child and ensuring that the information received is transmitted to the appropriate authorities in order that the matter may be investigated.

3.2 Any allegation made to the NCSE of physical, sexual or other abuse of children, should be dealt with as a matter of utmost seriousness. Sensitivity and understanding will be required in communicating with a complainant, particularly where he/she is the alleged victim or a parent or relative of the alleged victim.

3.3 Statutory responsibility for child protection rests with the HSE which operates under the aegis of the Department of Health and Children. It is not the role of the NCSE to investigate individual allegations¹. Rather, the role of the NCSE is to refer any allegations received to the HSE for attention.

3.4 While the primary concern at all times must be the welfare and protection of children, in the interest of natural justice, staff must also be alert to the right of every person to his/her good name. An allegation made to the NCSE may be false or malicious, made against the wrong person or may be a misunderstanding. Staff of the NCSE should respond to allegations according to the procedures set out below without making any judgement on the substance or truth of such allegations.

3.5 Information regarding alleged or suspected child abuse received by NCSE staff should only be shared on a need to know basis in the interests of the child and of ensuring due process in investigating specific cases. Specific details in relation to an individual allegation received by a NCSE staff member should not be discussed with anyone other than the NCSE Principal, Head of Corporate Services (or the authorised deputy for the Principal or the CEO of the NCSE in the event that the Principal is not available).

¹ The exception to this is where the NCSE is the employer of the person against whom the allegation is being made, namely the allegations addressed under Part 6 of these Procedures and where the NCSE must consider such matters as employer in addition to meeting the requirements of *Children First*.

4 Handling Disclosures from Children

4.1 While NCSE staff including SENO staff are unlikely to be working in ongoing close contact with individual children, it is possible that an incident of disclosure could arise. If information is offered in confidence by a child, the staff member will need to show sensitivity in responding to the disclosure. An abused child is likely to be under severe emotional stress and a staff member may be the only adult whom the child is prepared to trust. Care should be taken not to damage that trust. The staff member will need to reassure the child, while explaining the need for the matter to be investigated which will necessarily involve informing certain people in positions of authority. The following advice is offered to staff to whom a child makes a disclosure of abuse:

- (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;
- (c) the child should understand that it is not possible that any information will be kept a secret;
- (d) no judgemental 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. 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 Child Care Manager in the HSE and, where appropriate, parents/carers. It should be borne in mind that the child may have been threatened and may feel vulnerable at this time;
- (g) Record the disclosure immediately afterwards using, in so far as possible, the child’s own words.

5 Responding to Allegations of Child Abuse Made to the NCSE

All allegations of child abuse made to the NCSE should be dealt with by NCSE staff on a priority basis in accordance with the steps outlined below. In every case, the staff member receiving details of an allegation should report the matter to the Head of Corporate Services who will immediately refer it for attention in accordance with the procedures outlined below.

Allegations made to a NCSE Official during a school visit

5.1 Where, during the course of a school visit, an allegation is made to an NCSE official, the official will take note of the information received from the complainant (as per paragraphs 4.1 and 5.4). The official will then raise the

matter with the DLP or principal of the school with a view to ensuring the matter is drawn to the attention of the appropriate school authority and necessary procedures followed under relevant guidelines. If the complainant is a member of the school staff, the staff member should also be advised by the NCSE official to report the matter to the school Designated Liaison Person DLP (who is generally the school Principal) or the Chairman of the Board of Management. In all cases, the NCSE official will prepare a report on the matter and forward this to the NCSE Head of Corporate Services.

Communication with Complainant

5.2 When a telephone call is received by a staff member in NCSE, the staff member who receives the call should deal with it and take the necessary information from the complainant. The complainant should not be asked to hold or to phone someone else and the call should not be transferred to another official in the section. It may have taken a lot of courage to pick up the phone and make such a call and any interruption to the conversation may result in the complainant terminating the call.

5.3 A person making an allegation to the NCSE in relation to child abuse (i.e. a complainant) should be advised that the NCSE does not have a role in investigating allegations as such, hence the need to refer the matter to the appropriate authorities. Complainants should also be advised at the outset that confidentiality cannot be provided as the information given must be passed to the appropriate authorities for investigation (i.e. the HSE and/or An Garda Síochána).

5.4 Complainants should be encouraged to provide the NCSE with relevant information about the allegation to enable the matter to be fully investigated. This information should be recorded by the staff member on the form provided at **Appendix 1** and should include, if possible:

- Name, contact details and any other relevant details of the complainant,
- Name, age and any other relevant details of the alleged victim,
- Whether the complainant is related to or knows the alleged victim
- Name and address of the school or other place at which the alleged victim is a pupil or receiving an educational service,
- Name and address of the alleged abuser and his/her position in the school/institution (if an employee of the school/institution),
- Whether the complainant is related to or knows the alleged abuser and has discussed the alleged incident(s) with him/her,
- Details of the alleged abuse, including the nature of the incident, where and when it occurred and how the complainant became aware of it,
- Whether the parents/guardians are aware of the alleged abuse and are aware that the matter is being reported to the NCSE,

- Whether the complainant has informed the school/institution, the HSE or An Garda Síochána about the alleged abuse and, if so, the names and contact details of the persons so informed,
- Whether any other person has knowledge of the alleged abuse,
- Any other relevant information.

In completing the form at Appendix 1, staff should report only the facts of the case as told to him/her and refrain from making any personal comments or observations on the matter. Officers should also record their responses to the complainant. Staff should remember that such written reports may be subject to requests under the Freedom of Information Acts, 1997 and 2003, including requests in subsequent years from the alleged victim. Officers should also record their responses to the complainant.

5.5 Staff should understand that in some cases a complainant may not be willing or in a position to give all the details as above. However, complainants who refuse to give their name and contact details should be informed that investigation of alleged abuse may be restricted or inhibited if the person wishes to remain anonymous. Staff should, however, report and follow up any anonymous complaint or allegation in accordance with the procedures set out in these Guidelines.

5.6 On being informed about an allegation of child abuse, a staff member should advise the complainant that the information received will be referred to the HSE. The complainant should be advised that it is also open to him/her to seek direct assistance from the HSE and/or An Garda Síochána. It should also be pointed out that any follow up contact with the complainant, if required for the purposes of investigation, will be made by the HSE and/or An Garda Síochána.

5.7 The person making the complaint should be advised that, while the information received will be immediately passed on by the NCSE to the HSE, he/she should contact the Child Care Manager of the appropriate HSE area and/or An Garda Síochána. The complainant should be provided with the relevant contact details for the HSE Child Care Managers - list provided by HSE on the NCSE website:

http://www.ncse.ie/publications/Child_Protection_Guidelines.asp

Action by staff member following receipt of a complaint

5.8 Immediately on receipt of information from a complainant, staff should record the details using the attached form (**Appendix 1**) and forward this to the NCSE Head of Corporate Services for follow up with the HSE. For avoidance of delay and to ensure the report is received advance notice of the report should be given by the staff member to the Head of Corporate Services by phone and/or by e-mail.

Communication by the Head of Corporate Services with the HSE

5.9 The Head of Corporate Services will notify the relevant Child Care Manager in the HSE providing the details as received by the NCSE from the complainant.

Communication by the NCSE with An Garda Síochána

5.10 In situations where it appears that there may be an immediate risk to a child and it is not possible to make contact with HSE personnel, the Head of Corporate Services will refer the allegation to An Garda Síochána, while following up the matter subsequently with the HSE in accordance with the procedures outlined above.

5.11 All communication and correspondence between the NCSE, the HSE and An Garda Síochána will be conducted in the strictest confidence.

6 Responding to Allegations of Child Abuse Made Against a Person Employed by the NCSE and Made by a Person who is not Employed by the NCSE.

6.1 As a general principle, where a staff member receives an allegation against a current or retired member of NCSE staff, they are to refer the caller or correspondence to the Head of Corporate Services.

6.2 Where such an allegation is received by telephone contact, a staff member is to request the caller's permission to transfer his/her call to the Head of Corporate Services and before doing so to:

- provide the caller with the direct line details for the Head of Corporate Services, i.e. the number they are transferring the call to,
- take the caller's name and contact details, and
- give the caller their own name and contact details.

6.3 As a fail safe system to ensure no call received by any NCSE staff being transferred is lost, staff members are required in all circumstances to forward by email, the caller's name and contact details to the Head of Corporate Services (or to the CEO if the allegation is against the Head of Corporate Services). While it is not appropriate for staff to record the details of these allegations, in circumstances where the Head of Corporate Services is unavailable and the caller is not prepared to wait for a return call, then staff should record the details of the allegations using the Standard Incident Form, at Appendix 1, as a guide to the details to be recorded.

6.4 Staff may come in contact with child abuse allegations against staff members through many possible ways such as written correspondence, visitors to the NCSE, or as per para 1.5 outside of work. In these circumstances a staff member is required to complete the details using the form at Appendix 1 as a guide to the details to be recorded. They are to send the form to the Head of Corporate Services (or CEO if the allegation refers to the Head of Corporate Services).

Allegations made against the CEO are to be sent to the Head of Corporate Services.

6.5 The Head of Corporate Services is responsible for referring all allegations against members of staff (current or retired) to the relevant investigatory authorities, namely the HSE and/or An Garda Síochána.

The Head of Corporate Services will keep a separate register of child abuse allegations against staff members, in accordance with Section 7.

7 Recording/Reviewing Cases Reported to the NCSE

7.1 A separate confidential file with a unique ID Number will be opened by the Head of Corporate Services for each allegation of child abuse which is notified to the NCSE and all related documentation, e.g. reports, e-mails, records of phone calls, should be kept in this file. Files will be stored in a secure manner given the sensitive nature of the material involved and access to such files should be strictly limited to persons authorised by the Principal Officer.

7.2 A secure register/database of all allegations of child abuse received by the NCSE will be kept by the Head of Corporate Services. The register/database will not include personal details, but will contain case details including dates, school type, county, file ID etc, whether the employee is placed on administrative leave.

8 Review of these guidelines

These guidelines will be kept under review by NCSE

Reviewed December 2010

Appendix 1

STRICTLY CONFIDENTIAL

**Allegations of Child Abuse Made to a Staff Member of the
National Council for Special Education**

Standard Incident Report Form

Date and time of allegation made to the NCSE	
Name of Complainant (Person Reporting Allegation to NCSE)	
Contact and other details of Complainant	Address: Phone: Email:
Name and address of alleged abuser & his/her position (if an employee in the school/institution)	
If the alleged abuse refers to a time when the alleged abuser was employed (or enrolled) by another school, please provide the details of the school where the incident allegedly took place.	Contact Details of School. Position of alleged abuser in that school at the time of the alleged abuse.
Name, age, parent(s)/guardian's name and other relevant details of alleged victim	
Name and Address of School/institution at which the alleged victim is a pupil and/or receiving an educational service	
Relationship of the Complainant to the Alleged Victim	

<p>Whether the complainant is related to or knows the alleged abuser and has discussed the alleged incident(s) with him/her</p>	
<p>If the complainant is not the parent/guardian, are the parents/guardians of the alleged victim aware of the abuse and that it is being reported to the NCSE?</p>	<p>Yes <input type="radio"/></p> <p>No <input type="radio"/></p>
<p>Whether the Complainant has informed the school/institution , the school DLP, the HSE and/or Gardaí of the alleged abuse and, if so, the names and contact details of the persons so informed</p>	<p>No <input type="radio"/></p> <p>Yes <input type="radio"/></p> <p>Details:</p>
<p>Whether any other person has knowledge of the alleged abuse</p>	<p>No <input type="radio"/></p> <p>Yes <input type="radio"/></p> <p>Details:</p>

<p>Details of the Alleged Incident (s) - <u>as reported by the Complainant</u></p> <p>Nature of the incident:</p> <p>Where it occurred:</p> <p>When it occurred:</p> <p>How the complainant became aware of the incident(s):</p> <p>Any other relevant information:</p>

Response Given to Complainant:

Signed: _____
By staff member who received the report

Date: _____
on which report was
forwarded to NCSE PO Head of
Corporate Services

Signed: _____
By NCSE PO Head of Corporate Services

Date: _____
on which above report was
received