

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

Safeguarding Policy: Children

Table of Contents

Title	Page
1. Statement	2
2. Purpose	3
3. Benefits	4
4. Principles	4
5. Legal Framework	4
6. Key Personnel	8
6.1 Named Personnel	8
6.2 Roles and Responsibilities	11
7. Definitions	15
8. Procedure for Making a Complaint	21
8.1 Summary of actions to be taken	21
8.2 Actions to be taken	21
8.3 Confidentiality	26
8.4 Persons reporting possible child abuse	27
8.5 External groups who wish to use MIE property	28
Appendix A – Code of Behaviour	29

1. Statement

- 1.1 Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its interactions with children. Children may be involved in the life of the Institute in a number of ways, including being Institute students yet under the age of 18, children visiting or using MIE facilities or attending events, brought on site by parents, or may be involved in research.
- 1.2 Marino Institute of Education recognises that the safety and welfare of children for whom it has responsibility is paramount. It undertakes to maintain the highest possible standards in order to meet its responsibility to protect and safeguard those children.
- 1.3 Everybody operating on behalf of the Institute must be alert to the possibility of child abuse (neglect, emotional abuse, physical abuse and sexual abuse) and of their obligation to report any concerns to one of the Designated Liaison Persons. Any reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected, must be reported. It is not necessary for any member of the Institute community to prove that abuse has occurred to report a concern. All that is required is that there are reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.
- 1.4 This policy and procedures document aims to ensure children are not placed at risk while involved in Institute activities. It outlines the steps to be taken when there is a concern about a child's welfare, or when a complaint is made about a member of the MIE community. It is designed to protect both those in a position of trust and those for whom they have responsibility.
- 1.5 This is the official Safeguarding Children Policy and Safeguarding Children statement of Marino Institute of Education.
- 1.6 This policy is intended for all members of the MIE Community and particularly those who have contact with children in pursuance of their duties or in fulfilment of the requirements of programmes of study, and who wish to address any concerns they

may have in relation to safety and wellbeing. It provides guidance on their responsibilities in relation to children and on safe practices when working with children.

1.7 The categories of children protected by this policy, include, but are not limited to:

- children with whom staff and students work in an academic, support or voluntary capacity;
- children who are the subjects of academic research;
- children using MIE facilities;
- children attending summer schools or other programmes organised for children by MIE;
- children attending Open Days;
- children living in MIE accommodation during the vacations;
- children on work experience placements in MIE, e.g., Transition Year students;
- children visiting MIE for any other reason;
- children at risk of whom members of the MIE community, acting in their capacity as MIE employees, students or volunteers, become aware, e.g. siblings of MIE students;
- children who are registered students under the age of 18.

2. Purpose

2.1 This policy is the official Safeguarding Policy of Marino Institute of Education.

It is intended for all members of the MIE Community, including Trustees, the Governing Body, all staff, students, volunteers and persons who encounter children in the contexts of classes, tuition, or services at MIE.

2.2 The purpose of this revised Policy and Procedure document is to give direction and guidance in relation to meeting their new statutory obligations under the Children

First Act, 2015 and in the continued implementation of the best practice (non-statutory) guidance set out in Children First National Guidance 2017.

- 2.3 It is the duty of each member of the MIE Community be familiar with and adhere to this policy and procedure document. It is the policy of MIE that all concerns, complaints and disclosures of child protection which give rise to reasonable grounds for concern are reported to the statutory authorities. A failure to report a child protection concern is a disciplinary matter, is a breach of the MIE's Code of Behaviour and therefore will be addressed under the relevant disciplinary procedure.

3. Benefits

This document clearly sets out the responsibilities of all members of the MIE community in line with the most recent legislation in relation to the safeguarding of children.

4. Principles

- 4.1. The welfare of children will always be the paramount consideration.
- 4.2 The rights of any person who is the subject of an abuse complaint will be respected.
- 4.3 The safest possible practices must be adopted in all programmes and activities in order to minimise harm.
- 4.4 All members of MIE community share a responsibility to promote welfare, avoid causing harm, and to not place themselves or others in situations of unnecessary risk.

5. Legal Framework

- 5.1 The procedures contained in this document take account of the Children First Act, 2015 and the updated Children First: National Guidance for the Protection and Welfare of Children published in 2017 (hereinafter referred to as Children First National Guidance 2017).

1. Children First Act 2015

-
- i. The Children First Act, 2015 has placed certain statutory obligations on certain professionals, who are referred to as Mandated Persons in the Act. It has also placed certain statutory obligations on certain institutions that provide services to children. A statutory obligation is an obligation imposed by legislation.
 - ii. *Children First National Guidance 2017* outlines the new statutory obligations that apply to Mandated Persons and the new statutory obligations that apply to institutions under the Act. It also sets out the best practice (non-statutory) obligations which are in place for all individuals and for all sectors of society. The statutory obligations under the Children First Act, 2015 operate side by side with the best practice (non-statutory) obligations.
 - iii. Under Children First National Guidance 2017, the existing best practice (non-statutory) obligations to report to Tusla any reasonable concern that a child has been, is being, or is at risk of being abused or neglected continue to apply as heretofore.
 - iv. These updated procedures therefore continue the requirement to bring any concern that a child has been, is being, or is at risk of being abused or neglected to the attention of the Designated Liaison Person (DLP).
 - v. Under section 14 of the Children First Act, 2015 every Mandated Person now has a statutory obligation to make his or her own report to Tusla where a child protection concern is at or above a threshold of harm as defined in the Act. In these procedures, such reports are referred to as mandated reports.
 - vi. These procedures include further information on the threshold of harm at which a mandated report must be made. Chapter 5 sets out the relevant reporting procedures to be followed in relation to such reports, including the requirement to liaise with the DLP and to submit a mandated report to Tusla jointly with the DLP.

-
- vii. Section 10 of the Children First Act, 2015 places a statutory obligation to ensure, as far as practicable, that each child attending a relevant service is safe from harm while in attendance or otherwise participating in activities.
 - viii. Relevant Services are also required under section 11 of the Act to prepare and publish a Child Safeguarding Statement.
 - ix. Separate to the Children First Act, 2015, all services involved with children continue to have a general duty of care. Persons involved in providing services to children are also well placed to recognise wider child welfare issues that if addressed appropriately at an early stage can play a key role in the overall welfare and protection of children and in the prevention of child abuse and neglect.
 - x. These procedures aim to provide necessary information to help persons involved with children to be alert to and be aware of what to do in situations where there is a concern, suspicion or allegation that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect. In all cases, the most important consideration to be taken into account is the protection of children. In this regard, these procedures emphasise that the safety, well-being and protection of children must be a priority.
 - xi. These procedures require that in any situation where a person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of being abused or neglected, he or she shall without delay report the matter to the DLP. The DLP is responsible for ensuring that any reasonable grounds for concern are reported to Tusla. It is not necessary for the DLP to prove that abuse has occurred in order to report a concern. All that is required is that there are reasonable grounds for concern.
 - xii. Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of being abused or neglected, in addition to reporting the matter to the DLP, he or

she must also consider whether it is necessary for him or her to make a mandated report to Tusla in respect of that concern. In that regard, these procedures require that the Mandated Person shall liaise with the DLP and follow the procedures set out in this document.

2. The Child Care Act 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

3. Protections for Persons Reporting Child Abuse Act 1998

This Act protects a person making a report of suspected child abuse to designated officers of Tusla or to members of An Garda Síochána (Protections For Persons Reporting Child Abuse Act, 1998) as long as the report is made in good faith and is not malicious. This legal protection means that even if a person reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that the person 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.

The Act creates an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or to a member of An Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

4. Criminal Justice Act 2006 - Reckless Endangerment

Section 176 of the Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child, or an abuser who intentionally or recklessly endangers the child by:

- i. causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- ii. failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

5. Criminal Law (Sexual Offences) Act 2017

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative. Reference to the Criminal Law (Sexual Offences) Act 2017 is for reporting purposes only and is not a legal interpretation of the legislation.

6. Key Personnel

6.1 Named personnel

Relevant Person for Child Safeguarding Statement

Name: Dr Seán Delaney

Position: Registrar

Address: Marino Institute of Education

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

Designated Liaison Person

Name: Dr Julie Uí Choistealbha

Position: Director of Undergraduate Studies

Address: Marino Institute of Education

DLP Phone number: 087 9191483

Deputy Designated Liaison Person

Name: Cian Ó Raghallaigh

Position: Student Support Officer

Address: Marino Institute of Education

Safeguarding Advisory Team:

- Name: Ena Morley
Position: Lecturer in SPHE (adjunct)
Address: Marino Institute of Education
- Name: Emma O'Brien
Position: Field Placement Coordinator (B.Sc. in early Childhood Education)
Address: Marino Institute of Education
- Name: Maja Haals Brosnan
Position: Lecturer in Early Childhood Education
Address: Marino Institute of Education
- Name: Mairéad Minnock
Position: School Placement Coordinator
Address: Marino Institute of Education

Vetting Liaison Officer

Name: Shauna Cassidy

Position: Assistant Registrar

Address: Marino Institute of Education

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

Human Resources Manager

Name: Niall O'Neill

Address: Marino Institute of Education

Contact Details for MIE Support Services

- TCD Student Counselling Service

7-9 Leinster St S, Dublin 2.

(01) 896 1407

<http://tcd.ie/student-counselling>

- Fairview Medical Centre

37 - 39 Fairview Strand, Dublin 3

[\(01\) 833 9856](tel:018339856)

- Chaplaincy Service

Dr Marie Whelton, Marino Institute of Education

Marie.whelton@mie.ie

Contact Details for Statutory Services

- TUSLA, Child and Family Agency

Heuston South Quarter, St John's Rd W, Kilmainham, Dublin

(01) 771 8500

Tusla operates an out-of-hours social work service, which is available by contacting An Garda Síochána. This service deals with any emergencies that occur outside of office hours. If there are concerns for the immediate safety of a child, please contact An Garda Síochána in an out-of-hours situation. The out-of-hours service deals with cases that come to the attention of An Garda Síochána, where a child is at immediate risk of harm.

A report can be made to Tusla in person, by telephone or in writing to the local duty social work service, these can be found on the Tusla website, www.tusla.ie, in the area where the child lives. If the report is made verbally it should be followed up by completing the Child Protection and Welfare report form available on the Tusla website.

- An Garda Síochána Protective Services Unit,

<https://www.garda.ie/en/about-us/specialist-units/garda-national-protective-services-bureau-gnpsb/>

6.2 Roles and Responsibilities

i. The Governing Body

1. approve Safeguarding Policy
2. consider the three-yearly review of Policy and Procedures
3. consider periodic reports of the Safeguarding Arrangements
4. direct any appropriate action based on such consideration

ii. The President

1. appoint a Designated Liaison Person (DLP) and a Deputy DLP.
2. appoint a Relevant Person for Child Safeguarding Statement with overall responsibility for safeguarding within the Institute.
3. propose the Safeguarding Policy and Procedure to the Governing Body.
4. ensure that the Safeguarding Policy and Procedure is reviewed on a three-yearly basis.
5. consider any reports provided to him/her by the Relevant Person/DLP and ensure appropriate action is taken.

iii. Relevant Person for Child Safeguarding Statement

The Relevant Person for Child Safeguarding Statement, appointed by the President of the Institute, has overall responsibility for safeguarding.

1. Formal delegated responsibility, by the President of the Institute, in all safeguarding matters.
2. Submit an annual (or on such other occasions as may be appropriate and agreed) report on safeguarding to the President.

iv. Members of the MIE Community

This term refers to a Trustee, a member of the Governing Body, a member of faculty or staff, a student, a service provider and to persons working on a voluntary basis and to any member of the College Community who has contact with children or vulnerable persons.

Members of the MIE Community must comply with the Safeguarding Policy and Procedure.

v. Designated Liaison Person

1. The Designated Liaison Person is a resource for any person within the Institute who has a child protection or welfare concern.
2. The Designated Liaison Person (DLP) and Deputy Designated Liaison Person (DDLDP) are appointed by the President of the Institute. The Designated Liaison Person reports to the Relevant Person for Child Safeguarding on all matters arising from the implementation of the Policy. For reasons of confidentiality, the details of individual cases will not normally be revealed to the Relevant Person for Child Safeguarding.
3. The Designated Liaison Person is responsible for ensuring that reporting procedures within the Institute are followed, so that child welfare and protection concerns are referred promptly to Tusla. The Designated Liaison Person should record all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse.
4. If the Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken: -
 - (i) The reasons for not reporting should be recorded
 - (ii) Any actions taken as a result of the concern should be recorded
 - (iii) The person who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
 - (iv) The person should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

vi. HR Manager

1. Ensure best practices in all relevant areas.
2. Ensure the provision of recruitment, induction and ongoing training.

vii. Garda Vetting Officer

Ensure all legal and related obligations are met.

viii. Head of Department

1. Appointment of Responsible Persons.
2. Authorisation for use of MIE Facilities for activities or programmes involving children.

ix. Responsible Person - Approved by Head of Department

Ensure appropriate safeguards and practices in their areas of responsibility, including risk assessment of all activities/programmes

x. Mandated Persons

- a. Where Mandated Persons are also employed by MIE, it is important to note that the statutory obligation of Mandated Persons to report under the Children First Act, 2015 must be discharged by the Mandated Person and cannot be discharged by the Designated Liaison Person on their behalf.
- b. If a Mandated Person also has the role of Designated Liaison Person in the Institute, (s)he must fulfil the statutory obligations of a Mandated Person. This means that if a Designated Liaison Person is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting, and the Designated Liaison Person is also a Mandated Person, he or she has a statutory obligation to make a report to Tusla.
- c. Mandated Persons (in accordance with the provisions of the Children First Act 2015) are people who have contact with children or adults and who, because of their qualifications, training and employment role, are in a key position to help protect children from harm. Mandated Persons have two main legal obligations under the Children First Act, 2015. These are:

-
- To report the harm of children above a defined threshold to Tusla;
 - To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.
- d. Under the legislation, Mandated Persons who are employed by the Institute, or Mandated Persons who are providing services to the Institute, have a statutory obligation to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The description of these four types of abuse, and the threshold of harm for each category of abuse at which Mandated Persons have a **legal** obligation to report concerns, is set out in Children First: National Guidance for the Protection and Welfare of Children (2017). The attention of Mandated Persons is also drawn to the sections in Children First: National Guidance for the Protection and Welfare of Children (2017) which deal with:
- Mandated Persons who work with adults;
 - Dealing with a retrospective allegation;
 - Making a mandated report; and
 - Consequences of non-reporting.
- e. Mandated Persons are not required to judge the truth of the claims or the credibility of the child/adult.
- f. The obligation to report is discharged by mandated persons making a joint report with a Designated Liaison Person to Tusla.
- g. The Institute recognises that Tusla’s ability to make good-quality evidence-based decisions about a child’s welfare and/or protection is enhanced by cooperation and information-sharing about a child. In this regard, the Institute expects that all relevant staff will share relevant information, if requested (the Data Protection Acts 1988 and 2003 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection).

-
- h. Mandated Persons in MIE are:
- a) Staff who are employed by the Institute in any of the roles listed below, and
 - b) Persons who provide services to the Institute in any of the roles listed below:
 - Psychiatrist
 - General Practitioner
 - Counsellor
 - Psychologist
 - Nurse
 - Chaplain
 - Student Support Officer
 - Registered teachers and members of the Teaching Council

7. Definitions

1. Definition of 'Child'

'Child' means a person under the age of 18 years other than a person who is or has been married.

Age of consent – Under the Sexual Offences Act 2006, the legal age of consent is 17. Any sexual relationship where one or both parties are under 17 is illegal, although it might not be regarded as constituting child sexual abuse.

2. Definition of 'child abuse'

Where the words 'child abuse' are used in these procedures they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined in chapter 2 of Children First: National Guidance for the protection and welfare of children 2017.

3. Definition of 'neglect'

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, and/or 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 the child's 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 example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight 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.

4. Definition of 'emotional abuse'

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met.

Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include:

-
- i. the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
 - ii. conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
 - iii. emotional unavailability of the child's parent/carer;
 - iv. unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
 - v. premature imposition of responsibility on the child;
 - vi. unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
 - vii. under- or over-protection of the child;
 - viii. failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
 - ix. use of unreasonable or over-harsh disciplinary measures;
 - x. exposure to domestic violence;
 - xi. exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

5. Definition of 'physical abuse'

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018



- ii. severe physical punishment;
 - iii. beating, slapping, hitting or kicking;
 - iv. pushing, shaking or throwing;
 - v. pinching, biting, choking or hair-pulling;
 - vi. terrorising with threats;
 - vii. observing violence;
 - viii. use of excessive force in handling;
 - ix. deliberate poisoning;
 - x. suffocation;
 - xi. fabricated/induced illness;
 - xii. allowing or creating a substantial risk of significant harm to a child.
6. Definition of 'sexual abuse'
- 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:

-
- 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, which 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;
 - vi. consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

7. Definition of 'Designated Liaison Person' (DLP)

The person nominated as the Designated Liaison Person for the Institute when dealing with Tusla - Child and Family Agency, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse.

In this document reference to the DLP will include the Deputy DLP.

8. Definition of ‘Mandated Person’

Mandated Person means a person who is specified in schedule 2 of the Children First Act, 2015.

9. Definition of ‘Provider’

Provider has the meaning assigned to it under section 8 of the Children First Act, 2015.

10. Definition of ‘Relevant Person’

Relevant person has the meaning assigned to it under section 8 of the Children First Act, 2015 and is a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Policy and Statement.

The safeguarding risk assessment process undertaken by the relevant person is a subsidiary risk assessment to the corporate Risk Assessment and Child Safeguarding Statement.

11. Definition of ‘Member of the MIE Community’

For the purposes of this document, the term “member of the MIE Community” includes Trustees, persons involved in governance, Governing Body, members of the academic or support staff, students of the Institute and/or those working on a voluntary/unpaid basis on behalf of the Institute.

12. Definition of ‘Responsible Person’

The person appointed by a Ceannaire/Head of Department to ensure appropriate safeguards and practices in their area of responsibility including risk assessment and management of all relevant activities/programmes.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

The safeguarding risk assessment process undertaken by the responsible person is a subsidiary risk assessment to the corporate Risk Assessment and Child Safeguarding Statement.

8. Procedure for making a complaint

8.1 Summary of actions to be taken by Members of Marino Institute of Education (Staff or Students):

Step	Policy Reference
1. Recognise child abuse/neglect/ disclosure made	8.2.1/ 8.2.5
2. Establish reasonable grounds	8.2.2
3. Keep appropriate records	8.2.3
4. Seek advice from relevant DLP (In MIE or in the placement setting)	8.2.4
5. Mandatory reporting by the DLP or the mandated person	8.2.6, 8.2.7, 8.2.8
6. When allegations are made against staff the DLP informs HR.	8.2.9
7. When allegations are made against a student the DLP informs the Registrar.	8.2.10

8.2 Actions to be taken by Members of Marino Institute of Education (Staff or Students)

It is imperative that those who have reasonable grounds for concern or have knowledge or suspicions that child abuse may have occurred should act promptly and sensitively in reporting it to one of the Designated Liaison Persons. The primary consideration must be the protection and welfare of children. If a person has initial misgivings about formally reporting concerns about the safety of a child, they may find it helpful to discuss them with one of the Designated Liaison Persons who will provide advice and guidance.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

8.2.1 Recognising child neglect or abuse

Neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of child abuse is contained in Section 7. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than abuse. All signs and symptoms must be examined in the context of the person's situation and family circumstances.

8.2.2 Reasonable grounds for concern

The following is a guide to what constitutes reasonable grounds for a child protection or welfare concern:

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

Child abuse may come to light in a number of different ways. It may be witnessed, alleged or suspected and may include the following circumstances:

- Direct observation of behaviour that is abusive or arouses suspicion of abuse;
- It may be direct, specific and supported by corroborative evidence such as when a person, either adult or child, alleges that they have been abused, reveals injuries and names the alleged perpetrator;
- A person may disclose that they have been abused but are unable or unwilling to disclose the name of the perpetrator;
- A person may disclose that they have been abused but the perpetrator has died;
- A person may reveal that another person has told them of being abused, or where they themselves have witnessed the abuse.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

8.2.3 Records

It is important that any member of the MIE community reporting suspected child abuse should accurately record the conversations/observations which establish the basis for their concerns. These observations (which may include dates, times, names, locations, context and any other information which may be relevant) should inform the discussion with the Designated Liaison Person.

8.2.4 Contact the DLP

If staff members or students have any concerns, or anyone raises concerns with them, they must contact the Designated Liaison Person immediately to seek advice. The Designated Liaison Person should be notified without delay of the concerns and advice and guidance sought on how to proceed, particularly in relation to the following matters:

- In the case of a child, the parents/guardians should be informed, unless to do so would place the child at further risk;
- Where an incident is witnessed or reported and there is a likelihood of material/forensic evidence being available, An Garda Síochána should be advised with appropriate speed;
- *If the circumstances presented indicate that a child is at immediate risk they should under no circumstances be left in a dangerous situation.*
- If you become aware that a child is at **serious and imminent risk**, immediate contact should be made in the first instance with the Relevant Person (who will ensure the immediate safety of the child on campus) and who will alert An Garda Síochána. The Designated Liaison Person should be informed, who will immediately inform the Child and Family Agency (Tusla).

A member of the MIE community should not interview the child or the child's parents/carer about the alleged abuse, as this is a function of Tusla or An Garda Síochána.

8.2.5 Dealing with Disclosure

Should a complaint of abuse be disclosed directly by a child to a member of the MIE community, the child who disclosed is likely to be under severe emotional stress and the

member of the MIE community may be the only adult whom the child is prepared to trust. Great care should be taken not to damage this trust. When information is offered in confidence, the member of the Institute community will need tact and sensitivity in responding to the disclosure. While the basis for concern must be established as comprehensively as possible, the following advice is offered to members of the MIE community to whom the child makes a disclosure of abuse:

- Try to remain calm;
- Listen to the child;
- Do not ask leading questions nor make suggestions to the child;
- Offer reassurances but do not make promises, particularly in relation to confidentiality;
- Do not stop a child recalling significant events;
- Do not ask the child to repeat the story unnecessarily;
- Do not make any judgement about an alleged abuser;
- Explain that further help may have to be sought;
- Record the discussion accurately and retain the record.

This information must then be reported to the Designated Liaison Person.

8.2.6 Mandatory Reporting to State Authorities

The Institute is obliged to inform Tusla of any **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for any member of the Institute community to prove that abuse has occurred to report a concern to Tusla. All that is required is that there are reasonable grounds for concern (it is Tusla's role to assess concerns that are reported to it).

Reporting is done by the Designated Liaison Person (except in the case of Mandated Persons).

8.2.7 Reporting by a Mandated Person

Mandated persons have two main legal obligations under the Children First Act 2015

-
- a) To report harm of children, above a defined threshold, to Tusla
 - b) To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

A Mandated Person, under the legislation is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

The reporting requirements under the Children First Act 2015 apply only to information that the Mandated Person, received or became aware of since the Act came into force. However, if a Mandated Person has reasonable concern about past abuse, where the information came to light before the Act and there is possible continuing risk to children, the Mandated Person should report it to Tusla under the Children First Guidance, 2017.

8.2.8 Making a report as a Mandated Person

If a Mandated Person has a concern about a child, it is his/her legal responsibility to make a decision as to whether the concern meets the threshold for a mandated report under the Children First Act 2015 or not. If s/he is satisfied that this threshold has been reached, s/he should clearly identify on the report that it is a mandated report made under the Children First Act.

If s/he is unsure whether your concern reaches the legal definition of harm for making a mandated report, s/he can discuss the concern with a Tusla social worker. However, the responsibility for making the decision rests with the mandated person under the Act.

A mandated person cannot submit an anonymous report.

The Children First Act 2015 requires mandated persons to report a mandated concern to Tusla “as soon as practicable”. The Children First Act requires Tusla to appoint authorised persons to receive mandated reports. Authorised persons are obliged to acknowledge in writing all mandated reports they receive.

If a Mandated Person feels urgent intervention may be required to make the child safe, s/he can alert Tusla of the concern in advance of submitting a written report. S/he must then

submit a mandated report to Tusla on the report form or via the web portal within three days.

8.2.9 Allegations are made against a member of staff

Where an allegation is made against a member of staff, the Designated Liaison Person will inform the Human Resources Manager, who will carry out or cause to be carried out an independent investigation in keeping with the principles set out in MIE policies

8.2.10 Allegations are made against a student

Where an allegation is made against a student of the Institute, the Designated Liaison Person will inform the Registrar who will carry out or cause to be carried out an independent investigation in keeping with the principles set out in the Policies of the Institute.

Such investigations by the Human Resources Manager or the Registrar do not impact on the duty to report the allegation of abuse to Tusla or/and An Garda Síochána as appropriate.

8.3 Confidentiality

Complete confidentiality must never be promised to a child or young person making a disclosure. All information regarding possible or suspected child abuse should be shared only “on a need to know basis”, in the interests of the child. The requirement to report to the Designated Liaison Person and the Child and Family Agency (Tusla) can be explained in a supportive manner to the child.

Information may be communicated to personnel who have a legitimate involvement or role in dealing with the issue; it is not a breach of confidentiality to give information to those who need to have that information, for the protection of a child (who may have been or has been or is in danger of being abused) to include the Designated Liaison Persons, Tusla or An Garda Síochána.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

8.4 Persons Reporting Possible Child Abuse

There are legislative provisions to protect from civil or criminal liability any member of the Institute or Designated Liaison Person who reports suspicions of child abuse reasonably and in good faith to designated officers of Tusla or to An Garda Síochána (*Protections For Persons Reporting Child Abuse Act, 1998*).

This legislation also creates an 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 criminal offence designed to protect innocent persons from malicious reports.

It is noted that it is an offence to withhold information about a serious offence against a person under 18 years or a vulnerable person [*Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act, 2012*].

8.5 External groups who wish to use MIE property

- i. All groups operating under the name or auspice of the MIE must comply with MIE's Safeguarding Children Policy and Procedures.
 - i. MIE welcomes groups and individuals within the MIE community using the Institute's facilities. While using such facilities, MIE must be assured that all reasonable steps have been taken to safeguard children who may be involved in such activities.
 - ii. The responsibility for complying with safeguarding legislation and best practice including safe recruitment and vetting, rests with the group or individual using MIE's facilities and not with MIE.
 - iii. MIE requires detailed information in respect of an application to use the facilities of the Institute, which may involve children, in order to ensure that such children's welfare is protected as well as that of the adults involved.
 - iv. The application must be submitted prior to the approval for the use of Institute's facilities. Applications for the use of such facilities will be submitted to the Head of Department/Director of Conferencing.

APPENDIX A

Code of Behaviour

- Good safeguarding practice is about protecting children and those in positions of trust in respect of children.
- Interaction with children in programmes and activities may even inadvertently have adverse consequences and compromise children's welfare. Consequently, it is important that all members of the College community consider how children's welfare can be promoted by anticipating the potential for risk and taking appropriate mitigating actions to address such risks in all programmes and activities.
- A code of behaviour serves to protect children and members of the MIE Community, by ensuring clarity regarding unacceptable behaviour and boundaries. Each individual is accountable for his/her own actions, and members of the MIE Community are collectively accountable for upholding standards of behaviour and for compliance with all applicable laws and policies. Raising concerns about the welfare of children is a service to the MIE Community.
- Behavioural Expectations

You should;

- When acting in a position of trust with children, be mindful that you are acting as a role model and therefore should demonstrate exemplary behaviour.
- Take care to ensure conduct is appropriate to each circumstance and environment.
- Be sensitive to the risks involved in participating in some contact sports and exercise particular caution in areas such as swimming pools, showers etc.
- Have due regard to cultural differences.
- Be alert and tackle inappropriate behaviour in others including peer to peer behaviours.
- Take care that language is not open to sexual or racist connotations.

-
- Maintain the highest standards of personal behaviour when interacting with children and maintain boundaries appropriate to the professional relationship.
 - Treat children with respect and dignity and in a consistent and fair manner.
 - Never agree to meet a child on their own (i.e. avoiding private or unobserved situations). This does not apply to normal academic or mentoring meetings or interactions with Institute students under 18 years, nor to approved research situations or professional placements where the student on a professional placement requires one-to-one meetings with children.
 - Not be left alone with a child. (Again, this does not apply to normal academic or mentoring meetings or interactions with Institute students under 18 years or to the research or professional placement situation).
 - Avoid developing relationships beyond the professional roles or interaction which breaches the boundaries of such roles, such as private communication or personal relationships.
 - Consult with Designated Liaison Person if concerns arise.
 - Report any safeguarding concern or complaint to the Designated Liaison Person

You should not:

- Use inappropriate language, or allow others to use it without challenging it.
- Engage in any inappropriate physical touching or relationship.
- Give your personal contact information or use any such route to communicate or interact in a personal capacity outside the professional activity including through any form of social media.
- Take photographs, or make other recordings without specific written communication consent from a parent or guardian.
- Communicate or behave in a discriminatory manner.
- Provide or use alcohol or drugs while involved with children.
- Participate in or condone behaviour that is illegal, unsafe or abusive, or could be construed as bullying or could put anyone at risk.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

-
- Allow or engage in any form of suggestive comments.
 - Collude with any person to suppress concerns.

Children on campus must be appropriately supervised at all times. Where staff members bring their children to visit the Institute, they should remain with them at all times and ensure that they are safe and supervised. Where students bring their children onto the campus, they have a responsibility to ensure proper supervision of them at all times. Students are not permitted to bring their children into classes, laboratories, lectures, study spaces, offices and restricted areas of the library.

- This Code of Behaviour should be considered in association with relevant Marino Institute of Education Policies.

Students on Placements

Students, while on placement, in schools, or other settings must comply with the Safeguarding Children Policy and Procedure of the host school/setting.

Research and Activities/Programmes involving children

- i. Schedule 1 of the Children First Act 2015 includes in the definition of Relevant Services:
Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

-
- educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
 - In addition to the Institute’s Safeguarding Children Policy, research involving children must comply with
 - the MIE Research Ethics procedures (MERC)
 - the Guidance for developing ethical research projects involving children published by the Department of Children and Youth Affairs
http://www.dcy.gov.ie/documents/Publications/Ethics_Guidance.pdf
 - Any member of the MIE community who is proposing to involve children in research or in other activities or programmes, which may constitute a relevant service under the Children First Act 2015, must receive the approval of the Ceannaire/Head of Department.
 - The Ceannaire will appoint a Responsible Person for each activity or programme.
 - Particular attention will be paid to ensure that informed consent of parents, guardians and children themselves is obtained and that the risk assessment process will include an assessment of the potential impact on child participants.

Use of Mobile/Camera Phones by College Staff

Members of the Institute are advised as follows;

- a. Use group texts for communications regarding MIE events and/or activities among participants including children and inform parents/guardians/carers of this at the start of the events/activities/camps.
- b. It is not appropriate to have constant communication for individual participants.
- c. Don’t use the phone in certain locations; inappropriate use of the mobile/camera phone may cause upset or offence to another person, e.g. personal care facilities.
 - ii. In as far as it is possible, in order to reduce the risk of images of children being used inappropriately, unsolicited or illegally by any person(s), the following

-
- guidelines will operate in respect of the taking and usage of images of children via video recording, photography or any other recording device.
- iii. Academic researchers during the course of their research work where it involves the participation of children/young people are to ensure that;
 - a. Best practice is put in place wherever and whenever photographs and recorded images are may be taken and subsequently stored.
 - b. All video recording and/or photographing is appropriate and non-intrusive.
 - c. Whenever possible, only those who have a right to take videos and/or photographs, do so provided that before taking any recording or image of a child, they obtain permission from a child's parent/guardian/carer and ensure that the parent/guardian/carer knows the way the image will be used.
 - d. The privacy of others is to be respected and accordingly, the use of camera phones, videos and cameras inside personal care facilities such as changing areas, showers and toilets or First Aid areas is strictly prohibited.
 - iv. Videoing as a coaching aid in sport: Video equipment can be used as a legitimate coaching aid. However, permission should first be obtained from the child and/or the child's parent/guardian/carer.
 - v. All members of the MIE Community must comply with the **Policy for Responsible Computing** and the associated Code of Conduct.

Internet Safety

The Office for Internet Safety is an office of the Department of Justice and Equality, and takes lead responsibility for internet safety particularly as it relates to children. While the Internet provides many positive opportunities, there is also the potential for children to be put at risk by their exposure to material and/or individuals which may be harmful. The office has produced a number of helpful resources for adults and children, which are accessible on <http://www.internetsafety.ie/>. It also provides links to material which deals with issues such as cyber bullying, social networking and mobile phone safety.

Policy Name: Safeguarding Children

Version: 3.1

Date of Issue: December 2018

An Associated College of
Trinity College Dublin, the University of Dublin

9 Document Control

Title	Safeguarding Policy: Children			
Description				
Created By	Teresa O'Doherty			
Date Created	02.01.18			
Maintained By				
Version Number	Modified By	Modifications Made	Date Modified	Status
2	JUic/ FS	As per external validation review	26/2/19	
3	FS	Formatting adjustments and added table of contents	27/02/19	