

**Policy Identifier:** Safeguarding Policy: Children

<b>Policy Title:</b>	Safeguarding Policy: Children
<b>Description:</b>	Policy giving direction and guidance to all members of the MIE community 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.
<b>Author (Position):</b>	President
<b>Version:</b>	1.1
<b>Approved By:</b>	MIE Governing Body
<b>Policy Approval Date:</b>	October 2023
<b>Date of Next Policy Review:</b>	June 2027 (or as necessary)

## Safeguarding Policy: Children

### 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 MIE in a number of ways, including being MIE 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 MIE 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 MIE 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 (DLPs). 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 MIE 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 (the Child and Family Agency) 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 MIE 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 of MIE<sup>1</sup>.
- 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:

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<sup>1</sup> See also [Child Safeguarding Statement](#)

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- 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 MIE.
- 2.2 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.
- 2.3 The purpose of this revised Policy 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](#).
- 2.4 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 minimize 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**

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).

##### **5.1 [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 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. This document 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.
- 5.2 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.

### 5.3 [The Child Care Act 1991](#)

This is the key piece of legislation that 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 1991](#) also sets out the statutory framework for taking children into care, if necessary.

### 5.4. [Protections for Persons Reporting Child Abuse Act 1998](#)

5.4.1. This Act protects a person making a report of suspected child abuse to designated officers of Tusla or of the Health Service Executive (HSE) or to members of An Garda Síochána 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.

5.4.2. The Act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the HSE 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.

### 5.5. [Criminal Justice Act 2006 - Reckless Endangerment](#)

5.5.1. [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, is guilty of an offence.

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

5.6. [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.

## 6 Key Personnel

### 6.1 Named personnel

Key Personnel	Name	Position	Address	DLP Phone Number
<b>Relevant Person for Safeguarding Statement</b>	Dr Seán Delaney	Registrar and Vice-President	Marino Institute of Education	
<b>Designated Person</b>	Dr Julie Uí Choistealbha	Senior Lecturer Policy and Practice	Marino Institute of Education	087 9191483
<b>Deputy Designated Person</b>	Ciarán Fogarty	Director of Estates and Conferencing	Marino Institute of Education	
<b>Members of the Safeguarding Team</b>	Feargal Ó Laighin	Lecturer in SPHE	Marino Institute of Education	
	Natasha O'Donnell	Field Placement Coordinator (B.Sc. in early	Marino Institute of Education	

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		Childhood Education)		
	Dr Maja Haals Brosnan	Senior Lecturer and Course Leader for the B.Sc. in Early Childhood Education	Marino Institute of Education	
	Mairéad Minnock	School Placement Coordinator (Acting)	Marino Institute of Education	
<b>Vetting Persons</b>	Shauna Cassidy	Assistant Registrar	Marino Institute of Education	
<b>Human Resources Manager</b>	Róisín Sullivan	Director of HR	Marino Institute of Education	

**Contact Details for MIE Support Services**

- Marino Student Counselling Service

Rm 42, St. Patrick’s Building, MIE Campus

[marinocounselling@mie.ie](mailto:marinocounselling@mie.ie)

- Fairview Medical Centre

37 - 39 Fairview Strand, Dublin 3

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

- Chaplaincy Service

Lily Barry

Marino Institute of Education

[lily.barry@mie.ie](mailto:lily.barry@mie.ie)

**Contact Details for Statutory Services**

1. TUSLA, Child and Family Agency

Heuston South Quarter, St John's Rd W, Kilmainham, Dublin, D08 X01F

Website: [Tusla.ie](http://Tusla.ie)

Phone: (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](http://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.

2. 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

### 6.2.1. The Governing Body<sup>2</sup>

- i. Approve Safeguarding Policy
- ii. Consider the three-yearly review of Policy and Procedures.
- iii. Consider periodic reports of the Safeguarding Arrangements
- iv. Direct any appropriate action based on such consideration

### 6.2.2. The President

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<sup>2</sup> See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

- i. Appoint a DLP and a Deputy DLP.
- ii. Appoint a Relevant Person for [Child Safeguarding Statement](#) with overall responsibility for safeguarding within MIE.
- iii. Propose the safeguarding Policy and procedure to the Governing Body<sup>2</sup>.
- iv. Ensure that the Safeguarding Policy and procedure is reviewed on a three-yearly basis.
- v. Consider any reports provided to them by the Relevant Person/DLP and ensure appropriate action is taken.

#### 6.2.3. Relevant Person for [Child Safeguarding Statement](#)

The Relevant Person for [Child Safeguarding Statement](#), appointed by the President of MIE, has overall responsibility for safeguarding

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

#### 6.2.4. Members of the MIE Community

- i. This term refers to a Trustee, a member of the Governing Body<sup>3</sup>, 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.
- ii. Members of the MIE Community must comply with the Safeguarding Policy.

#### 6.2.5. Designated Liaison Person (DLP)

- i. The DLP is a resource for any persons within MIE who has a child protection or welfare concern.
- ii. The DLPs are appointed by the President of MIE. The DLPS report to the Registrar 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 Registrar.

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<sup>3</sup> See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

- iii. The DLP is responsible for ensuring that reporting procedures within MIE are followed, so that child welfare and protection concerns are referred promptly to Tusla. The DLP 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.
- iv. If the DLP decides not to report a concern to Tusla, the following steps should be taken:
  - a) The reasons for not reporting should be recorded
  - b) Any actions taken as a result of the concern should be recorded
  - c) 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
  - d) 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.

#### 6.2.6. HR Manager

- i. Ensure best practices in all relevant areas.
- ii. Ensure the provision of recruitment, induction and ongoing training.

#### 6.2.7. Garda Vetting Officer

Ensure all legal and related obligations are met.

#### 6.2.8. Head of Department

- i. Appointment of Responsible Persons.
- ii. Authorisation for use of MIE Facilities for activities or programmes involving children.

#### 6.2.9. Responsible Person - Approved by Head of Department

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

#### 6.2.10. Mandated Persons

- i. 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 DLP on their behalf.

- ii. If a Mandated Person also has the role of DLP in MIE, they must fulfil the statutory obligations of a Mandated Person. This means that if a DLP is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting, and the DLP is also a Mandated Person, they have a statutory obligation to make a report to Tusla.
- iii. 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:
  - a) To report the 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.
- iv. Under the legislation, mandated persons who are employed by MIE, or mandated persons who are providing services to MIE, 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 the [Children First National Guidance 2017](#). The attention of Mandated Persons is also drawn to the sections in the [Children First National Guidance 2017](#) which deal with:
  - a) Mandated Persons who work with adults;
  - b) Dealing with a retrospective allegation;
  - c) Making a mandated report; and
  - d) Consequences of non-reporting.
- v. Mandated Persons are not required to judge the truth of the claims or the credibility of the child/adult.

- vi. The obligation to report is discharged by mandated persons making a joint report with a DLP to Tusla.
- vii. MIE 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, MIE 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).
- viii. Mandated Persons in MIE are:
  - a) Staff who are employed by MIE in any of the roles listed below, and
  - b) Persons who provide services to MIE 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**

### 7.1. Child

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

7.1.2. Age of consent – Under the [Sexual Offences Act 2017](#), 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.

### 7.2. 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 2017](#).

### 7.3. Definition of 'neglect'

- 7.3.1. 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.
- 7.3.2. 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.
- 7.3.3. 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.
- 7.3.4. 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.

### 7.4. 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;

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- 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 themselves 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.
- xii. 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.

### 7.5. 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:

- i. Severe physical punishment;
- ii. Beating, slapping, hitting or kicking;
- iii. Pushing, shaking or throwing;
- iv. Pinching, biting, choking or hair-pulling;
- v. Terrorising with threats;
- vi. Observing violence;
- vii. Use of excessive force in handling;
- viii. Deliberate poisoning;
- ix. Suffocation;
- x. Fabricated/induced illness;
- xi. Allowing or creating a substantial risk of significant harm to a child.

## 7.6. Definition of 'sexual abuse'

7.6.1. 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.

7.6.2 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.

## 7.7. Designated Liaison Person (DLP)

7.7.1. The person nominated as the DLP for MIE when dealing with Tusla, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse.

7.7.2. In this document reference to the DLP will include Deputy DLPs or any person so designated by the Relevant Person with overall responsibility for safeguarding.

#### 7.8. Mandated Person

Mandated Person means a person who is specified in Schedule 2 of the [Children First Act 2015](#).

#### 7.9. Provider

Provider has the meaning assigned to it under Section 8 of the [Children First Act 2015](#).

#### 7.10. 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 Statement](#).

#### 7.11. 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<sup>4</sup>, members of the academic or support staff, students of MIE and/or those working on a voluntary/unpaid basis on behalf of MIE.

#### 7.12. Responsible Person

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

## **8 Procedure for Making a Complaint**

8.1 Summary of actions to be taken by Members of MIE (Staff or Students):

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<sup>4</sup> See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

Step	Policy Reference
1. Recognise child abuse/neglect/ disclosure made	8.2.1/ 8.2.4
2. Establish reasonable grounds	8.2.2
3. Keep appropriate records	8.3
4. Seek advice from relevant DLP (In MIE or in the placement setting)	8.4
5. Mandatory reporting by the DLP or the mandated person	8.6, 8.7, 8.8
6. When allegations are made against staff the DLP informs HR.	8.9.
7. When allegations are made against a student the DLP informs the Registrar.	8.10

## 8.2 Actions to be taken by Members of MIE (Staff or Students)

8.2.1 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 DLPs.

8.2.2 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 DLPs who will provide advice and guidance.

### 8.2.3 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.

### 8.2.4 Reasonable grounds for concern

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

- i. Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way;
- ii. Any concern about possible sexual abuse;

- iii. Consistent signs that a child is suffering from emotional or physical neglect;
- iv. A child saying or indicating by other means that he or she has been abused;
- v. Admission or indication by an adult or a child of an alleged abuse they committed;
- vi. An account from a person who saw the child being abused.

8.2.5 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:

- i. Direct observation of behaviour that is abusive or arouses suspicion of abuse;
- ii. 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;
- iii. A person may disclose that they have been abused but are unable or unwilling to disclose the name of the perpetrator;
- iv. A person may disclose that they have been abused but the perpetrator has died;
- v. A person may reveal that another person has told them of being abused, or where they themselves have witnessed the abuse.

### 8.3 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 DLP.

### 8.4 Contact the DLP

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

- i. In the case of a child, the parents/guardians should be informed, unless to do so would place the child at further risk;
- ii. 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;
- iii. *If the circumstances presented indicate that a child is at immediate risk they should under no circumstances be left in a dangerous situation.*
- iv. 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. One of the DLPs should be informed, who will immediately inform Tusla.
- v. 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.

### 8.5 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 MIE 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:

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

- x. This information must then be reported to one of the DLPs.

## 8.6. Mandatory Reporting to State Authorities

MIE 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 MIE 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 one of the DLPs (except in the case of mandated persons).

## 8.7 Reporting by a Mandated Person

8.7.1. Mandated persons have two main legal obligations under the [Children First Act 2015](#)

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

8.7.2 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.

8.7.3. 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](#).

## 8.8 Making a report as a Mandated Person

8.8.1 If a mandated person has a concern about a child, it is their 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 they are satisfied that this threshold has been reached, they should clearly identify on the report that it is a mandated report made under the [Children First Act 2015](#).

8.8.2 If they are unsure whether your concern reaches the legal definition of harm for making a mandated report, they can discuss the concern with a Tusla social worker. However, the responsibility for making the decision rests with the mandated person under the [Act](#).

8.8.3 A mandated person cannot submit an anonymous report.

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

8.8.5 If a mandated person feels urgent intervention may be required to make the child safe, they can alert Tusla of the concern in advance of submitting a written report. They must then submit a mandated report to Tusla on the report form or via the web portal within three days.

8.9 Allegations are made against a member of staff

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

8.10 Allegations are made against a student

8.10.1 Where an allegation is made against a student of MIE, the DLP 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 MIE.

8.10.2 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.

8.11 Confidentiality

8.11.1 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 DLP and Tusla can be explained in a supportive manner to the child.

8.11.2 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 DLPs, Tusla or An Garda Síochána.

## 8.12 Persons Reporting Possible Child Abuse

8.12.1 There are legislative provisions to protect from civil or criminal liability any member of MIE or DLP 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](#)).

8.12.2 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.

8.12.3 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](#)].

## 8.13 External Groups who wish to use MIE Property

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 MIE’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 MIE, 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 [MIE Child Protection and Safeguarding Form](#) must be submitted prior to the approval for the use of MIE's facilities. Applications for the use of such facilities will be submitted to the Head of Department/Director of Conferencing.

## **9. Related Documents**

- 9.1 [Child Safeguarding Statement](#)
- 9.2 [Disciplinary Policy](#)
- 9.3 [Safeguarding Policy: Vulnerable Persons](#)
- 9.4 [Marino Institute of Education Vulnerable Persons – Risk Assessment Form](#)
- 9.5 [Vetting Policy \(Staff\)](#)
- 9.6 [Dignity and Respect Policy](#)
- 9.7 [Ethics and Research Policy](#)
- 9.8 [MIE Child Protection and Safeguarding Form](#)
- 9.9 [Code of Governance](#)
- 9.10 [Matters Reserved for the Governing Body of MIE](#)
- 9.11 [MIE Staff & Students Code of Conduct for Use of IT Systems](#)

## Appendix 1

### 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 MIE 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. Please see [MIE Child Protection and Safeguarding Form](#).
- 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 their 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

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interactions with MIE 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 MIE 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 DLP if concerns arise.
- Report any safeguarding concern or complaint to the DLP

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.
- 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 MIE, 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 MIE 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**

- 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 MIE's Safeguarding Children policy, research involving children must comply with;
  - i. The MIE Research [Ethics](#) procedures
  - ii. 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](http://www.dcy.gov.ie/documents/Publications/Ethics_Guidance.pdf)
  - iii. 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 Head of Department.
  - iv. The Head of Department will appoint a Responsible Person for each activity or programme.
  - v. A template for conducting a risk assessment and approval in respect of the safeguarding dimension of Research, Activities and Programmes can be found in [MIE Child Safeguarding Risk Assessment](#).
  - vi. 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 MIE are advised as follows;

- 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.
- It is not appropriate to have constant communication for individual participants.
- 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.
- 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.

Academic researchers during the course of their research work where it involves the participation of children / young people / are to ensure that;

- Best practice is put in place wherever and whenever photographs and recorded images are may be taken and subsequently stored.
- All video recording and/or photographing is appropriate and non-intrusive.
- 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.
- 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.

Videeing 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.

All members of the MIE Community must comply with the [MIE Staff & Students Code of Conduct for Use of IT Systems](#).

## **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.justice.ie/en/JELR/Pages/Cybercrime>. It also provides links to material which deals with issues such as cyber bullying, social networking and mobile phone safety.