Survey of Child Protection and Welfare Management in Community and Comprehensive Schools

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Executive Summary

The Children First Bill was published in April, 2012. This Bill will establish *Children First: National Guidance for the Protection and Welfare of Children* on a statutory basis. According to the bill, all organisations where children attend without their parents - such as schools, sports clubs or religious groups - will be legally required to ensure they provide a safe environment for children. In anticipation of the impending legislation, the State Claims Agency (SCA) and the Association of Community and Comprehensive Schools (ACCS) conducted a survey of child protection and welfare management in Community and Comprehensive schools.

The objectives of the survey were to:

• Assess the current practices and arrangements in place to manage child protection and welfare in Community and Comprehensive schools by benchmarking their existing management practices against the current national guidance *Children First: National Guidance for the Protection and Welfare of Children* and the Department of Education and Skills associated procedures and circulars;

• Present the survey results to Community and Comprehensive schools together with findings and recommendations.

The survey results and feedback from the respondent Community and Comprehensive Schools confirm that schools are acutely aware of the importance of having the necessary interventions in place to identify and manage the risks associated with child protection and welfare. Increased knowledge and training in this area has undoubtedly benefited schools in their approach to child protection and welfare management. While child protection and welfare management practices vary from school to school, the findings and recommendations outlined below can be applied across the Community and Comprehensive School sector.

Summary of Key Findings:[1]

Child Protection and Welfare Policy

• The majority of schools have a Child Protection and Welfare Policy in place.

Roles and responsibilities

• In general, Boards of Management are well briefed and are actively dealing with child protection and welfare issues but a significant proportion have yet to receive formal training.

• All schools have appointed a Designated Liaison Person (DLP) and Deputy DLP and approximately 75% have received child protection and welfare training in the last two years.

• Approximately 25% of DLPs and Deputy DLPs do not have written role descriptions.

Communication, instruction and training

• Most teaching staff have been formally issued with the school's Child Protection and Welfare Policy. However, a large proportion of non-teaching staff have not been formally issued with this Policy.

• The majority of schools do not have a formal sign-off mechanism in place to ensure all teaching and non- teaching staff have received the Policy.

• Most schools have communicated their Child Protection and Welfare Policy to their students.

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1   The findings set out in this section reflect the position of the schools which responded to the survey. The profile and large size of the sample meant that the survey findings provide an accurate reflection of child protection and welfare practices across the Community and Comprehensive School sector.

Child protection and welfare systems, procedures and records

- The majority of schools have written procedures available for staff setting out what to do in the event of a suspected case of child abuse or neglect or if a student discloses abuse or neglect.

- Most schools do not have a Data Protection Policy or Confidentiality Policy in place.

- The majority of schools do not have written guidelines in place for key activities which may place students or staff in vulnerable situations.

- Schools conduct roll calls on a regular basis and most schools have a system in place to notify parents/guardians if a child is marked absent.

Recruitment and induction

- A number of schools do not have written recruitment procedures in place. However, it is important to note that some schools indicated that recruitment procedures are in place but are not formally set down in writing.

- Most schools carry out reference checks on teaching and non-teaching staff but not on volunteers.

- A significant number of schools do not require new staff to sign a 'Form of Undertaking' or 'Statutory Declaration' in relation to child protection and welfare matters.

- A number of schools do not have written procedures in place for the Garda vetting of staff and volunteers.

- The majority of schools have ensured that child protection and welfare issues are part of their induction procedures.

Managing and reporting child protection and welfare concerns

- Child neglect is the most common type of abuse recorded by the schools.

- A large proportion of child neglect and emotional abuse concerns are managed locally by the schools.

- The majority of physical abuse and sexual abuse concerns are reported to the HSE.

- Almost all of the peer abuse and bullying concerns are managed locally by the school with only a small percentage being reported to the HSE.

- The pilot schools and a number of survey respondents emphasised that child protection and welfare issues require a lot of their time and attention and it is not an aspect of their role that can be discounted.

- The survey indicated that the majority of principals and deputy principals spend up to one day per week dealing with child protection and welfare issues while counsellors and chaplains can spend between two to three days per week dealing with child protection and welfare issues.

Communication with external agencies

- Almost all schools have used the HSE for advice on child protection and welfare matters.

- Most schools have developed a good working relationship with An Garda Síochána, while some schools also pointed out they would not usually use An Garda Síochána as a point of contact for child protection and welfare matters unless they had difficulties contacting the HSE.

- The levels of feedback from the HSE varies from school to school with some schools receiving feedback on all child protection and welfare concerns while some received no feedback at all.

Summary of recommendations based on survey findings:

Roles and responsibilities

- Approximately one quarter of DLPs and Deputy DLPs require written role descriptions. The DLP and the Deputy DLP should be named in the Child Protection and Welfare Policy and their roles and responsibilities should be clearly outlined in the Policy.

Communication, instruction and training

- A number of key staff including Board of Management members, DLPs and Deputy DLPs require child protection and welfare training. Due to the rapid ongoing developments in this area, the SCA recommends that DLPs and Deputy DLPs receive child protection and welfare refresher training every two years.

- All staff, teaching and non-teaching, should be issued with a copy of the school's Child Protection and Welfare Policy to ensure that they are aware of their responsibilities in relation to child protection and welfare.

- There should be a formal sign off mechanism in place to record which members of staff have been issued with the Child Protection and Welfare Policy to indicate that staff understand and agree to adhere to the procedures outlined in the Policy.

Child protection and welfare systems, procedures, and records

- All schools should have a Data Protection Policy and a Confidentiality Policy in place.

- More guidance needs to be provided to manage those situations which have the potential to place both students and staff in vulnerable situations. This includes activities such as one-to-one teaching, social networking, control of contractors etc. Each school needs to carry out a formal risk assessment of those activities, for the general and specific situations, identify the appropriate controls and ensure that those controls are implemented.

- It is recommended that all schools put a system in place which ensures that parents/guardians are notified if a child is marked absent.

Recruitment and induction

- All schools should develop and implement formal recruitment procedures which include Garda vetting, induction and training etc.

- All schools should ensure that reference checks are carried out in respect of potential staff and volunteers.

- As an additional safeguard, the child protection-related Statutory Declaration must be provided to the school authority by all persons being appointed to teaching and non-teaching positions of any duration. The school authority must retain a copy for record.

- A Form of Undertaking (which is specific to the employing school) must be signed by all persons prior to the appointment of any teaching or non-teaching position of any duration. The school authority must retain a copy for record.

1.0 Introduction

The State Claims Agency and the Association of Community and Comprehensive Schools

The State Claims Agency (SCA) has a statutory mandate to provide a risk management advisory service to Community and Comprehensive Schools in relation to risks which, if not addressed, may give rise to personal injury litigation.

The Association of Community and Comprehensive Schools (ACCS) is the official representative body for the Community and Comprehensive School sector. They have an advisory role through policy-setting and implementation, while also supporting these schools through research, development and training.

Child protection and welfare: the law and guidance

Statutory Law

There is already in place a substantial body of legislation which address child related matters (See appendix B). The Children First Bill was published in April, 2012. This Bill will establish *Children First: National Guidance for the Protection and Welfare of Children* on a statutory basis. This impending legislation will give the *Children First* guidance the statutory footing required to strengthen child protection provisions within Ireland. Once enacted, Organisations covered by the legislation, including schools, will be statutorily required to ensure the safety of children in their care.

Common Law (Duty of care)

Under common law, school management and staff have a duty of care to students who attend the school. This duty of care only applies where the student is attending school or engaged in school-related activities. The following general principles apply:

- School Management and staff must take reasonable care to ensure that their students do not suffer foreseeable injury. They have a duty to protect the children against foreseeable risks of personal injury or harm.

- The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students etc.

- There must be an effective system of supervision in operation in the school.

All school staff, including Management, are required to follow good standards and approved practices as set down by the school Board of Management, Teaching Council of Ireland etc.

Common Law (Vicarious liability)

In common law the Board of Management is responsible (vicariously liable) for the acts or omissions of an employee (teaching or non-teaching) during the course of their employment, whether the employee is at his/her place of employment or engaged in school related activities elsewhere e.g. on a school tour. The essential element is one of control, and, at the time of the act or omission, the employee must have been working within the scope of his/her duties. In effect, this means that in civil cases, the Board of Management is the party liable for the actions / omissions of the teachers, caretakers etc. when an injury or illness is caused by their actions or omissions while at work.

Child protection and welfare guidance

The current national guidance for the protection and welfare of children is *Children First: National Guidance for the Protection and Welfare of Children*. This guidance was first produced by the Department of Health and Children in 1999 and has been amended and updated to the current guidance which was published by the Department of Children and Youth Affairs in 2011.

The Department of Education and Skills (DES), in accordance with the Children First requirements, have produced a comprehensive child protection procedure, *Child Protection Procedures for Primary and Post-Primary Schools* together with other related DES circulars as further guidance for schools. The aim of these procedures is to give direction to school management and staff regarding the identification of and response to child protection and welfare concerns and the continued support of the child.

Objectives of the survey

This survey was undertaken in the 93 Community and Comprehensive Schools within the remit of the SCA and the ACCS. These schools have a student population of 55,800.

The SCA and the ACCS agreed it would be instructive and useful to provide a collective account of the current arrangements in place in Community and Comprehensive schools to manage child protection and welfare concerns.

The objectives of the survey were to:

- Assess the current practices and arrangements in place to manage child protection and welfare in Community and Comprehensive schools by bench marking their existing management practices against the current national guidance *Children First: National Guidance for the Protection and Welfare of Children* and the Department of Education and Skills associated procedures and circulars;

- Present the survey results to Community and Comprehensive schools together with findings and recommendations.

Methodology

The survey methodology comprised three main elements:

1. A quantitative analysis of the current management standards using a web-based survey tool.

   60% of the total Community and Comprehensive school population responded to the survey. This constitutes a very high response rate to this type of survey methodology. The profile and large rate of survey returns demonstrated that the survey findings provided an accurate reflection of the child protection and welfare management practices across the Community and Comprehensive School sector. The survey questions addressed the following:

- General school information
- Child Protection and Welfare Policy
- Roles and responsibilities
- Communication, instruction and training
- Systems, procedures and records
- Recruitment and induction
- Management and reporting
- Communicating with external agencies

2. Qualitative feedback was received from a pilot group of schools and also from the questionnaire survey respondents.

   This pilot group of schools put forward representatives which included principals, members of schools' Boards of Managent and parent associations. Their feedback and comments informed the development of the survey questions and also better informed the overall survey findings and areas of concern from a school management and parent perspective. This pilot group was also used to interpret and contextualise the survey responses received.

3. Detailed research of the current literature available nationally and internationally, by way of guidance to schools concerning child protection and welfare management.

   The current guidance focuses predominantly on identification and reporting of child protection and welfare concerns. There is little guidance on how schools should best manage this risk for specific typical school activities, through the development of clearly defined safe practices. These practices would include acceptable behaviours and controls that should be adhered to. This adherence will create a transparent and safe environment for all: students, staff and volunteers.
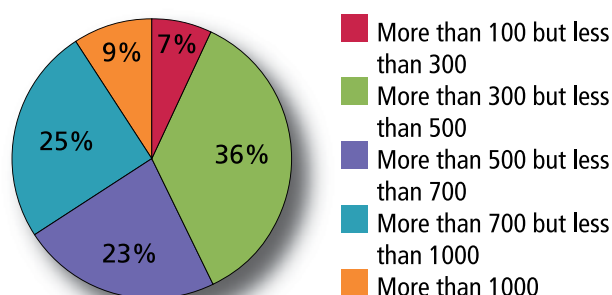
   All recommended best practice in this report reflects *Children First: National Guidance for the Protection and Welfare of Children* and the Department of Education and Skills associated procedures and circulars, other than where specifically noted.

2.0 General school information

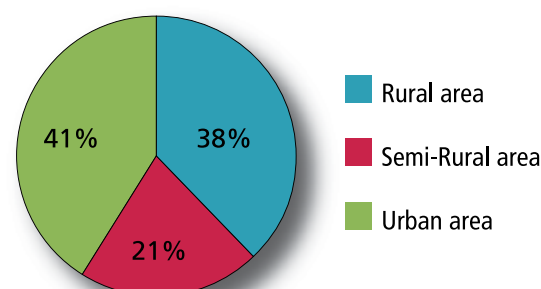56 responses to the survey from a total of 93 Community and Comprehensive schools were received which is a return of 60%.[2]

2.1 School populations

- More than 100 but less than 300
- More than 300 but less than 500
- More than 500 but less than 700
- More than 700 but less than 1000
- More than 1000

Number of students	Total C&C schools	Survey respondents
More than 100 but less than 300	9	4
More than 300 but less than 500	28	20
More than 500 but less than 700	28	13
More than 700 but less than 1000	22	14
More than 1000	6	5
Total	**93**	**56**

Figure 1: *Populations of all Community and Comprehensive Schools and the populations of the schools which responded to the survey*
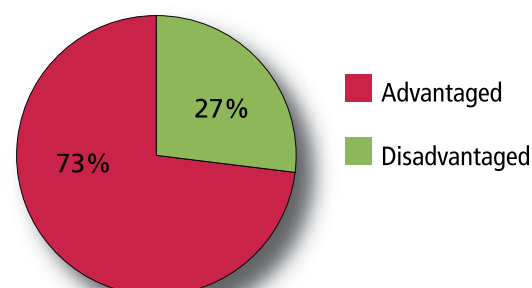
2.2 School locations

- Rural area
- Semi-Rural area
- Urban area

Location	Survey respondents
Rural area	21
Semi-Rural area	12
Urban area	23
Total	**56**

Figure 2: *Location of schools which responded to the survey*

2.3 Advantaged and disadvantaged schools

- Advantaged
- Disadvantaged

Location	Survey respondents
Advantaged	41
Disadvantaged	15
Total	**56**

Figure 3: *Breakdown of advantaged and disadvantaged schools which responded to the survey*

The profile of respondent schools in terms of student populations, advantaged/disadvantaged school breakdown and geographical spread correlates with that of the Community and Comprehensive School sector as a whole.

Given the large size of the sample, we can conclude that the survey findings provide an accurate reflection of child protection and welfare management practices across the Community and Comprehensive School sector.

2   Not all respondents provided an answer to every question

3.0 Child Protection and Welfare Policy

Recommended Best Practice

- All schools should have a Child Protection and Welfare Policy in place.

- The Board of Management of each school is responsible for designing and implementing the school's Child Protection and Welfare Policy.

- A copy of the school's Child Protection and Welfare Policy which includes the names of the Designated Liaison Person (DLP) and Deputy DLP should be made available to all school personnel including volunteers and the Parents' Association and should be readily accessible to parents on request.

- Each school should undertake an annual review of its Child Protection and Welfare Policy and its implementation.

- The school should put an action plan in place to address any areas for improvement identified by the review.

- The Board of Management should make arrangements to inform school personnel that the review has been undertaken and a record of the review and its outcome should be recorded.

3.1 Current status of child protection and welfare policies

		Yes	No
A	Does your school have a Child Protection and Welfare Policy?	54	2
B	Is the Child Protection and Welfare Policy signed by the Board of Management?	53	1

Figure 4: Current status of child protection and welfare policies in schools that responded to the survey

3.2 Policy review

When was your Child Protection and Welfare Policy last reviewed?
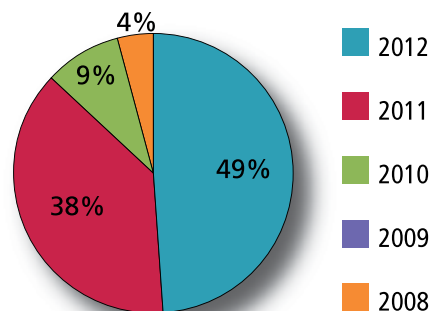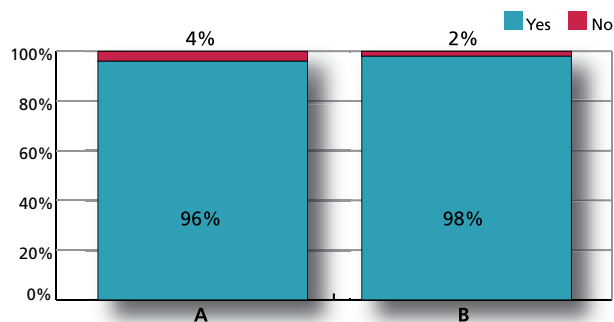

Figure 5: The frequency of policy review in schools that responded to the survey

Key Findings

- The majority of schools that responded to the survey have a Child Protection and Welfare Policy in place and the policies are being reviewed on a regular basis.

4.0 Roles and responsibilities of the Board of Management

Recommended Best Practice

Design and implement a Child Protection and Welfare Policy

- The Board of Management of each school is responsible for designing and implementing a Child Protection and Welfare Policy which outlines clear procedures, which teachers and other school staff must follow where they suspect, or are alerted to, possible child abuse or neglect, including where a child discloses abuse or neglect.

Training

- It is the responsibility of the Board of Management to undertake all necessary training to ensure that they are competent to design the Child Protection and Welfare Policy and have the skills to deal with any child protection and welfare issues which may arise.

Appoint a Designated Liaison Person (DLP)

- It is the responsibility of the Board of Management to designate a senior full-time member of staff as the DLP for the school.

Appoint a Deputy DLP

- The Board of Management should also appoint a Deputy DLP who assumes the responsibilities of the DLP should he/she be unavailable for whatever reason.

Board of Management meetings

- Child protection and welfare should be a standard item on the agenda for all Board of Management meetings.

- The Principal should provide a report for Board of Management meetings.

- The report should outline the number of reports made to the HSE by the DLP since the previous Board of Management meeting and the number of cases where the DLP sought advice from the HSE and no report was made.

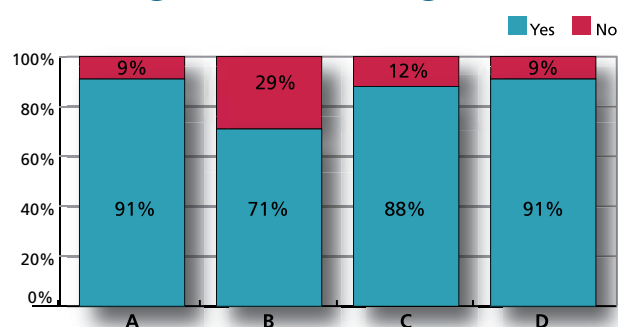- The minutes of the Board of Management meetings shall record the above.

Provide the necessary information to staff and all relevant personnel

- The Board of Management should ensure that all school staff and volunteers have the necessary familiarity with the school's procedures to enable them to fulfil their responsibilities as set out in the school's Child Protection and Welfare Policy.

Monitor the progress of children considered to be at risk

- The Board of Management has a responsibility to monitor the progress of children who are considered to be at risk.

4.1 Board of Management meetings and training

		Yes	No
A	Have all Board of Management members been briefed on child protection and welfare issues?	51	5
B	Has the Chairperson of the Board of Management been formally trained in child protection and welfare issues?	40	16
C	Is child protection and welfare a standard item on the agenda for all Board of Management meetings?	49	7
D	Are child protection and welfare issues contained in the Principal's report for all Board of Management meetings?	51	5

Figure 6: *The roles and responsibilities of the Board of Management*

While the majority of Board of Management members from the respondent schools have been briefed on child protection issues, 29% of the Chairpersons have not received formal training.

12% of the schools that responded to the survey also reported that child protection and welfare issues are not a standard item on the agenda for Board of Management meetings.

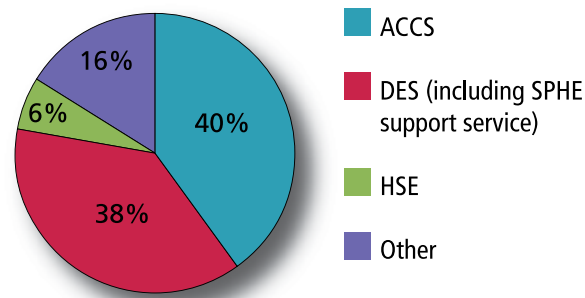## 4.2 Who provided training to the Chairperson of the Board of Management?

Figure 7: *Organisations that have provided training to the Chairperson of the Boards of Management in schools that responded to the survey*

Key Findings

- While Boards of Management are well briefed and are actively dealing with child protection and welfare issues, a significant proportion have yet to receive formal training.

5.0 Roles and responsibilities of the Designated Liaison Person (DLP) and Deputy DLP
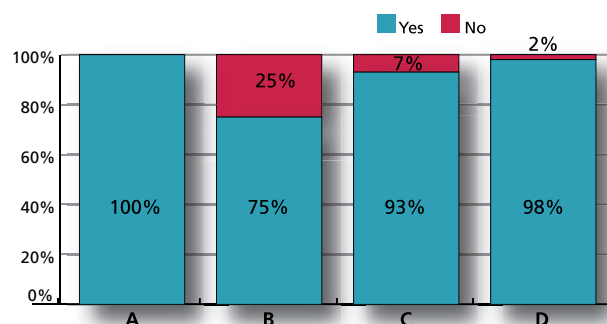
Recommended Best Practice

- The DLP acts as a liaison with outside agencies and as a resource person to any staff member or volunteer who has child protection or welfare concerns.

- It is expected that the DLP will normally be the Principal.

- Where the Board of Management appoints a DLP who is not the Principal, the school authority should put in place arrangements to ensure that the DLP will keep the Principal appropriately informed of child protection and welfare matters.

- A person appointed as a Deputy DLP assumes the responsibilities of the DLP, where the DLP is unavailable for whatever reason.

- The DLP and the Deputy DLP should be named in the Child Protection and Welfare Policy and their roles and responsibilities should be clearly outlined.

- The names of the DLP and the Deputy DLP should also be displayed in a prominent location in the school to ensure that all staff and students are aware that they are the point of contact for all child protection and welfare concerns.

- The DLP and Deputy DLP should ensure that he/she is knowledgeable about child protection and welfare and undertake such training as is considered necessary.

- The SCA recommends that the DLP and Deputy DLP attend child protection and welfare training every two years due to the ever evolving developments in this area.

5.1 Persons assigned as the DLP and Deputy DLP

From the respondent schools, it was found that the Principal is the DLP in 98% of the schools, while the Deputy Principal is the Deputy DLP in 93% of schools.
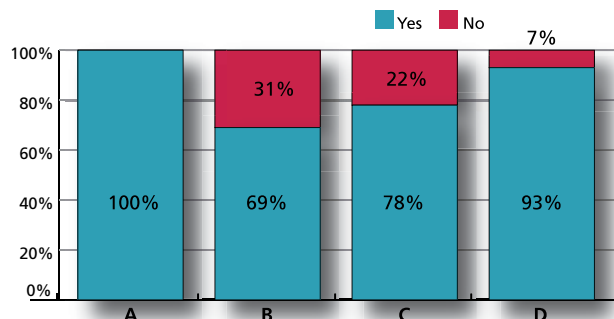
5.2 Roles and responsibilities of the DLP

		Yes	No
A	Has a DLP been assigned in your school?	56	0
B	Has a role description been written which clearly outlines the role and responsibilities of the DLP?	41	14
C	Is the name of the DLP displayed in a prominent location in your school?	51	4
D	Has the DLP been formally trained on child protection and welfare issues?	54	1

Figure 8: *The roles and responsibilities of the DLP*

25% of the DLPs in the schools that responded to the survey do not have a written role description.

5.3 Roles and responsibilities of the Deputy DLP

		Yes	No
A	Has a Deputy DLP been assigned in your school?	55	0
B	Has a role description been written which clearly outlines the role and responsibilities of the Deputy DLP?	38	17
C	Is the name of the Deputy DLP displayed in a prominent location in your school?	43	12
D	Has the Deputy DLP been formally trained on child protection and welfare issues?	51	4

Figure 9: The roles and responsibilities of the Deputy DLP

31% of the Deputy DLPs in the schools that responded to the survey do not have a written role description.

22% of schools that responded to the survey do not have the name of the Deputy DLP person displayed in a prominent location in the school.

5.4 DLP and Deputy DLP training

When did the DLP and Deputy DLP last receive child protection and welfare training?

	DLP	Deputy DLP
In the last 12 months	25	21
In the last 2 years	16	19
In the last 3 years	5	7
> 4 years	8	4
Never	1	4

Figure 10: The previous occasion on which the DLP and Deputy DLP received child protection and welfare training in schools that responded to the survey.

Who provided child protection and welfare training to the DLP and Deputy DLP?[3]

Organisation	DLP	Deputy DLP
ACCS	20	15
DES (including SPHE support service)	47	34
HSE	7	10
Other	5	8

Figure 11: Organisations that have provided training to the DLP and Deputy DLP in schools that responded to the survey

Key Findings

- All schools that responded to the survey have appointed a DLP and Deputy DLP.

- The majority of the schools that responded to the survey have provided the necessary training for the DLP and Deputy DLP.

- Nonetheless, approximately one quarter of both DLPs and Deputy DLPs in the schools that responded to the survey have not received training in the last two years and a significant percentage do not have a written role description.

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3   Please note that some schools use more than one organisation for DLP and Deputy DLP training

6.0 Communication, instruction and training

6.1 Issuance of Child Protection and Welfare Policy to staff

Recommended Best Practice

Issuing the Policy

- All staff, teaching and non-teaching should be issued with a copy of the school's Child Protection and Welfare Policy to ensure that they are aware of their responsibilities in relation to child protection and welfare.

- Staff can be briefed on child protection and welfare issues in a number of ways e.g. staff meetings, specific briefings by the DLP etc.
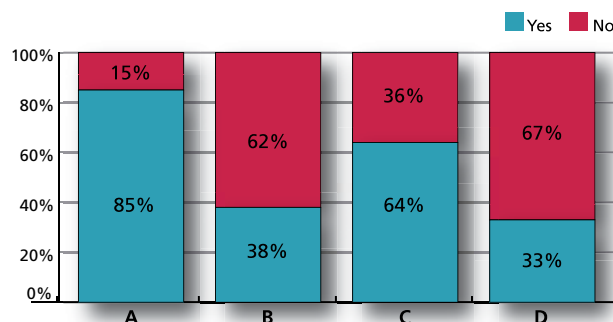
Policy sign off

- There should be a formal sign-off mechanism in place which records which members of staff have been issued with the Child Protection and Welfare Policy and indicates that they understand and agree to adhere to the procedures outlined in the Policy.

Curricular provision and communicating the Child Protection and Welfare Policy to students

- All schools have a responsibility to contribute to the prevention of child abuse or neglect through curricular provision.

- Students should be aware of the child protection policies and procedures and the identify of the DLP and Deputy DLP for the school and that he/she is the point of contact should they have any concerns in relation to child protection and welfare.

- The Social, Personal and Health Education (SPHE) programme is a mandatory part of the curriculum for all students in the junior cycle of post-primary schools and must be fully implemented.

		Yes	No
A	Have all teaching staff been formally issued with the school's Child Protection and Welfare Policy?	47	8
B	Is there a formal mechanism for sign off to ensure that all teaching staff have received the Policy?	21	34
C	Have all non-teaching staff been formally issued with the school's Child Protection and Welfare Policy?	35	20
D	Is there a formal mechanism for sign off to ensure that all non-teaching staff have received the Policy?	18	37

Figure 12: The issuance of Child Protection and Welfare Policy to staff members in schools that responded to the survey

36% of schools that responded to the survey have not issued the Child Protection and Welfare Policy to non-teaching staff.

15% of schools that responded to the survey have not issued their Child Protection and Welfare Policy to teaching staff.

62% of schools that responded to the survey do not have a formal mechanism for recording that staff have received the Child Protection and Welfare Policy, while 67% of schools do not have a similar system in place for non-teaching staff.

6.2 Briefing staff on child protection and welfare issues

What percentage of staff have been briefed on child protection and welfare issues?
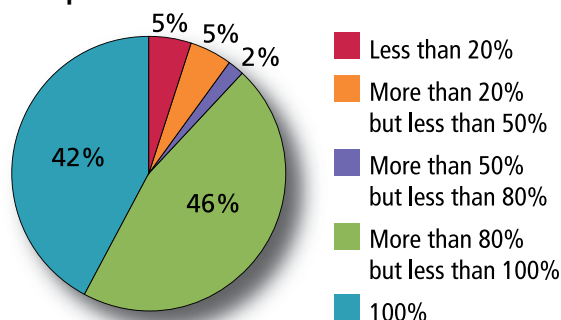

Figure 13: The percentage of staff that have been briefed on child protection and welfare issues in schools that responded to the survey

How have staff been briefed on the Child Protection and Welfare Policy?[4]

		Yes	No
A	As part of teaching staff meetings/conferences	47	14
B	Specific briefing provided by the DLP	19	20
C	Specific briefing by the DLP using slides provided by SPHE support services	10	3
D	Not communicated	0	16
E	Other	11	9

Figure 14: Methods of briefing staff on child protection and welfare issues in schools that responded to the survey

The results show that the most common forms of communication in the schools that responded to the survey are through staff meetings and specific briefings by the DLP.

6.3 Communicating Child Protection and Welfare Policy to students

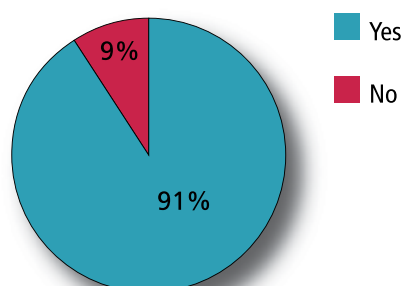**Is your Child Protection and Welfare Policy communicated to your students?**

Figure 15: Communicating Child Protection and Welfare Policy to students

4 Please note some schools use multiple methods of communication when briefing staff on their Child Protection and Welfare Policy.

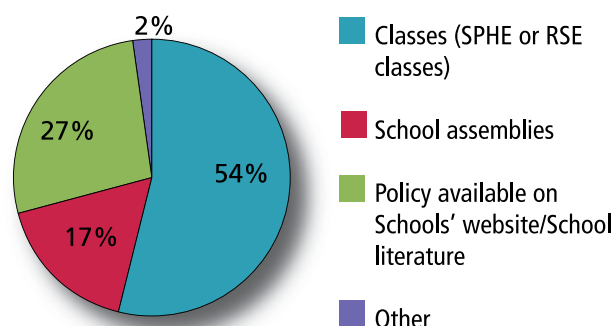**How do you communicate your Child Protection and Welfare Policy to your students?**

Figure 16: Methods of communicating child protection and welfare policies to students in schools that responded to the survey

Key Findings

- The majority of teaching staff in the schools that responded to the survey have been formally issued with the school's Child Protection and Welfare Policy. However, a large proportion of non-teaching staff in the schools that responded to the survey have not been issued with the school's Child Protection and Welfare Policy.

- Most of the staff in the schools that responded to the survey have been briefed on child protection and welfare issues.

- The majority of schools that responded to the survey do not have formal sign off mechanism in place to ensure all teaching and non-teaching staff have received the Policy.

- Most of the schools that responded to the survey have communicated their Child Protection and Welfare Policy to their students.

7.0 Child protection and welfare systems, procedures, and records

7.1 Child protection and welfare reporting and recording

Recommended Best Practice

Standard reporting procedures

- It is the responsibility of the Board of Management of each school to have established procedures, which teachers and other school staff must follow in the event that they suspect, or are alerted to, possible child abuse or neglect, including where a child discloses abuse or neglect.

- The reporting procedures should be clearly outlined in the Child Protection and Welfare Policy.

Allegations against staff[5]

- There should also be written procedures in place for dealing with allegations against school staff.

Record keeping

- A written record of reports should be made and recorded in a safe location by the DLP.

- All information regarding concerns of possible child abuse and/or neglect should be shared only on a "need to know" basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue.

- Child protection and welfare records may be stored electronically and it is important that this data is stored securely and password protected.

- The school must fully respect confidentiality requirements in dealing with child protection and welfare matters.
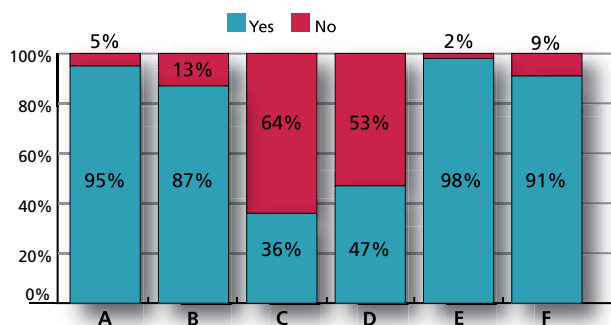
Data Protection

- All schools should have a Data Protection Policy in place.[6]

- Child protection and welfare records come under the scope of the Data Protection Acts 1988 and 2003. The Acts give a right to every individual to establish the existence of personal data, to have access to any data relating to him/her and to have inaccurate data rectified or erased.

- Data must be collected fairly, accurately, kept for lawful purposes only, and used only for the reason for which it was collected.

- The data must be protected and kept in a secure location.

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5   ACCS, ASTI and TUI. (2005). Code of Practice for Processing Complaints made by Parents/Guardians or Students (who have reached the age of 18 years) against a Teacher in Community and Comprehensive Schools

6   ACCS (2005). Guidelines on Formulation of School Data Protection Policy.

Standard reporting procedures and record keeping

		Yes	**No**
A	Are there clear written procedures available for staff on what to do in the event of a suspected case of child abuse or if a student discloses abuse or neglect?	52	3
B	Are there clear written procedures available concerning steps to be taken where allegations are received against teaching and non-teaching staff?	48	7
C	Does your school have a Confidentiality Policy in place?	20	35
D	Does your school have a Data Protection Policy in place?	26	29
E	Are records in relation to child protection and welfare issues filed and kept in a secure, locked location?	54	1
F	Are computer records relating to child protection and welfare issues appropriately security protected?	49	5

Figure 17: *Standard reporting procedures and record keeping in schools that responded to the survey*

Key Findings

- The majority of schools that responded to the survey have clear written procedures available for staff on what to do in the event of a suspected case of child abuse or if a student discloses abuse or neglect.

- Some schools do not have written procedures in place for dealing with allegations against staff.

- A large proportion of schools that responded to the survey do not have a Data Protection Policy or Confidentiality Policy in place.

- Most of the schools that responded to the survey store child protection and welfare records in a secure location.

7.2 Child protection and welfare risk management

The current guidance documents on child protection and welfare focus predominantly on the identification and reporting of child protection and welfare concerns. There is little guidance on how schools should best manage this risk through the development of clearly defined safe practices. These practices would include acceptable behaviours and controls that should be adhered to. This adherence will create a transparent and safe environment for all: students, staff and volunteers.

Schools need to identify those situations which could potentially place students and staff in vulnerable situations. Written procedures for key activities also help to reduce the likelihood of false allegations against staff by creating a set of acceptable behaviours and controls by which school management and staff can be guided when interacting with children.

Recommended Best Practice

- All schools should carry out risk assessments to identify any activities which may place students or staff in vulnerable situations, e.g. one to one teaching, school trips etc.

- Develop and implement written procedures which address the risks associated with these key activities.

- Reduce the risk of these situations occurring by implementing the necessary controls, e.g. ensure there are designated areas for one to one teaching etc.

- Ensure the controls/safe practices are communicated to all relevant staff and volunteers.

- The Child Protection and Welfare Policy should list other school policies, practices and activities that are particularly relevant to child protection and welfare.

Does your school have written guidelines in place for?

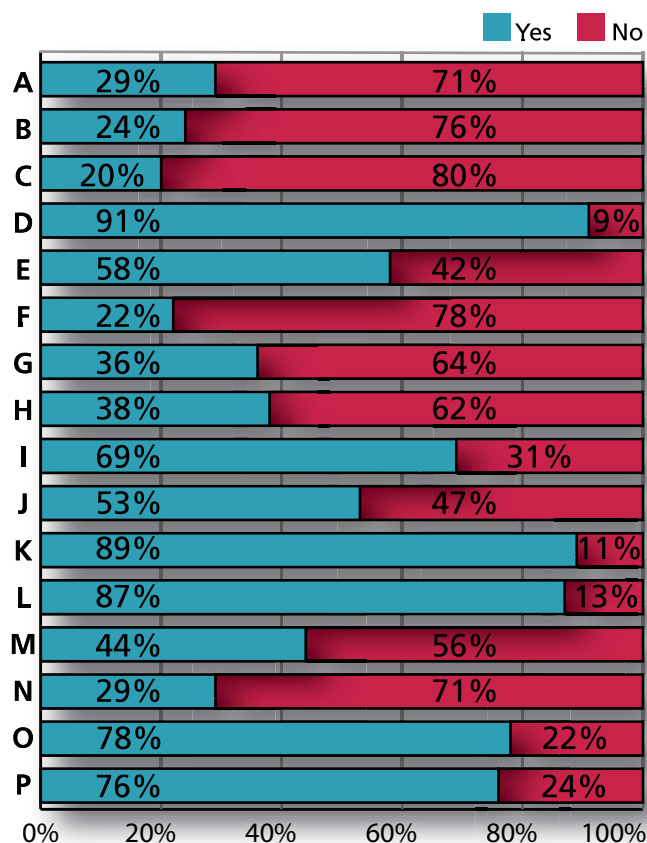|		Yes	No
A	Use of mobile phones (texting/phoning between staff and students)	16	39
B	Use of email (between staff and students)	13	42
C	Use of social network sites between staff and students (e.g. Facebook, Twitter etc.)	11	44
D	Appropriate use of the internet within the school	50	5
E	Use of imagery/photography at the school	32	23
F	Dealing with students with special needs	12	43
G	One to one teaching practices	20	35
H	Staff members travelling alone with students	21	34
I	School trips	38	17
J	Overnight trips involving students and staff	29	26
K	Dealing with reports of harassment or bullying	49	6
L	Codes of behaviour (appropriate and inappropriate behaviour)	48	7
M	Visitors and guests at the school	24	31
N	Management and control of contractors at the school	16	39
O	Attendance at school (to monitor attendance, track absences and inform parents/guardians)	43	12
P	Guardianship i.e. approved list of guardians on who to contact in emergency situations	42	13

Figure 18: *Written procedures associated with managing child protection and welfare issues*

Key Findings

- While the majority of schools have procedures in place for the reporting of child protection and welfare issues, it is clear that more attention needs to be paid to managing the situations which put both students and staff in vulnerable situations through the formal introduction of transparent controls and procedures/policies. The SCA will continue to work on developing school specific guidance in order to help schools manage the risks associated with key activities.

7.3 School attendance

Poor and fluctuating school attendance can sometimes be an indicator of child abuse especially if there are other indicators present.

Recommended Best Practice

Monitoring school attendance

- Roll calls should be conducted on a regular basis and school attendance rates should be monitored by a designated member of staff.

- The DLP should be notified if unusual attendance patterns are detected.

Notifying parents when a child is absent

- Parents/guardians should be informed by a designated person when students are absent from a class without permission.

7.3.1 The frequency of roll calls

How often is attendance taken in your school?

Legend:
- Once a day
- Twice a day
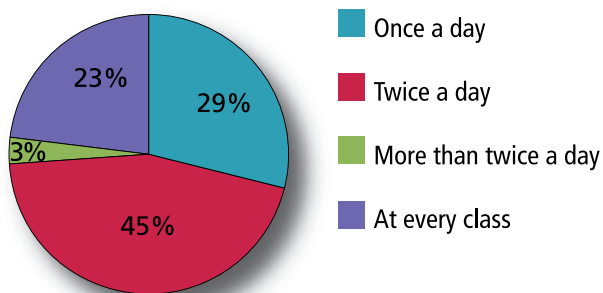- More than twice a day
- At every class

23%
29%
3%
45%

Figure 19: *The frequency of roll calls in schools which responded to the survey*

7.3.2 Roll call systems

How are the roll calls recorded in your school?

Legend:
- Manually recorded i.e. paper based stsyem
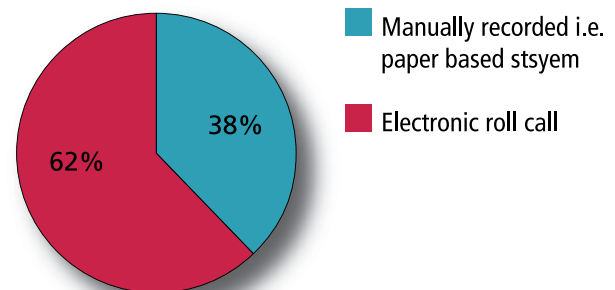- Electronic roll call

38%
62%

Figure 20: *Roll call recording systems in schools that responded to the survey*

The majority of schools now have electronic roll call systems in place and some systems automatically notify the children's parents/guardians when a child is absent. Some schools use a combination of both a paper based system and an electronic based system.

7.3.3 Notifying parents/guardians if a child is absent

Are parents/guardians notified if a child is absent as per the roll call list?
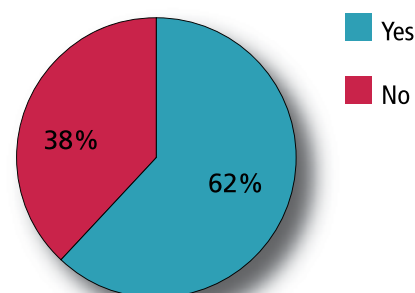
Legend:
- Yes
- No

38%
62%

Figure 21: *Informing parents/guardians when a child is absent*

Key Findings

- While schools are conducting roll calls on a regular basis, it is recommended that all schools put a system in place which ensures that parents/guardians are notified if a child is marked absent.

8.0 Recruitment and induction

Recommended Best Practice

Recruitment procedures

- The recruitment and selection process is an essential part of creating safe environments for children and thorough recruitment procedures should apply to all staff (teaching and non-teaching) and volunteers.

References

- References should always be checked and verified. References are a vital aspect of recruitment procedures and they are a useful method of carrying out background checks on potential employees and volunteers.

Statutory Declaration and Form of Undertaking

- As an additional safe guard, the child protection related Statutory Declaration must be provided to the school authority by all persons being appointed to teaching and non-teaching positions of any duration. The school authority must retain a copy for record.

- A Form of Undertaking (which is specific to the employing school) must be signed by all persons prior to the appointment of any teaching or non-teaching position of any duration. The school authority must retain a copy for record

Garda vetting

- All persons being appointed to teaching (full-time, part-time and substitute) and non-teaching positions must be vetted prior to commencing employment unless they have already been vetted during the same or previous calendar year.

- Any other persons (non-employees) such as volunteers, sports coaches, etc. who have, or may have, unsupervised access to children must be vetted unless they have already been vetted within the previous 5 year period.

- Teachers who are seeking employment (including substitute work) should apply to the Teaching Council of Ireland, as the authorised signatory, to arrange the necessary vetting with the Garda Central Vetting Unit (GCVU).

- Registration with the Teaching Council of Ireland does not obviate the necessity of the school management to obtain and view the original Vetting Letter.

- The ACCS should be contacted as the authorised signatory to process Garda vetting on behalf of all non-teaching staff and volunteers to the school and they will liaise directly with the GCVU on behalf of the school. (Vetting of persons volunteers, should, where possible, be done by the relevant sporting, voluntary or community organisation)

- Garda vetting does not provide clearance for persons to work with children. It simply provides information in relation to convictions and/or prosecutions in relation to the applicant. It will be a matter for the school Board of Management to consider all of the circumstances of an application and afford fair procedures to the individual concerned before making a decision.

- Any person who refuses to be vetted cannot be appointed or engaged by the school in any capacity including a voluntary role.

- A person who is returning to work after a leave of absence of 2 or more years must be vetted.

Induction procedures

- New staff members, teaching and non-teaching, and volunteers should be issued with a copy of the school's Child Protection and Welfare Policy and should also sign the Policy indicating that they understand the procedures outlined in it and agree to adhere to them.

8.1 Recruitment procedures

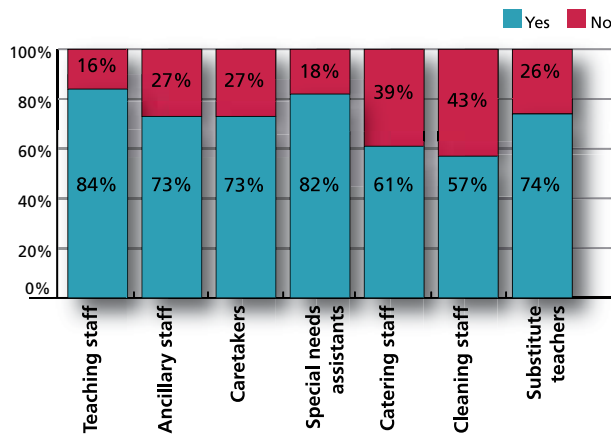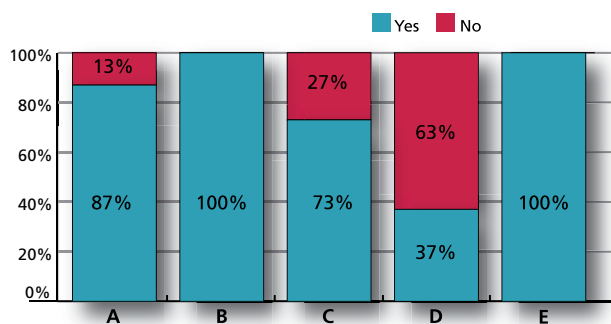**Does your school have clear written procedures in place for the recruitment of the following?**

Figure 22: Written procedures for the recruitment of staff in schools that responded to the survey

8.2 References and declarations

		Yes	No
A	Do your recruitment procedures include the need to receive a minimum of two references (not family members) for all new staff members (teaching and non-teaching)?	48	7
B	Are references that are received for new staff (teaching and non-teaching) checked and verified?	48	0
C	Do new staff members (teaching and non-teaching) sign a 'Form of Undertaking' or a 'Statutory Declaration' in relation to child protection and welfare matters?	40	15
D	Are a minimum of two references (not family) required for all volunteers?	20	34
E	Are references that are received for volunteers checked and verified?	20	0

Figure 23: Reference checking and Statutory Declarations in schools that responded to the survey

8.3 Garda vetting

Does your school have clear written procedures in place for the Garda vetting of the following?
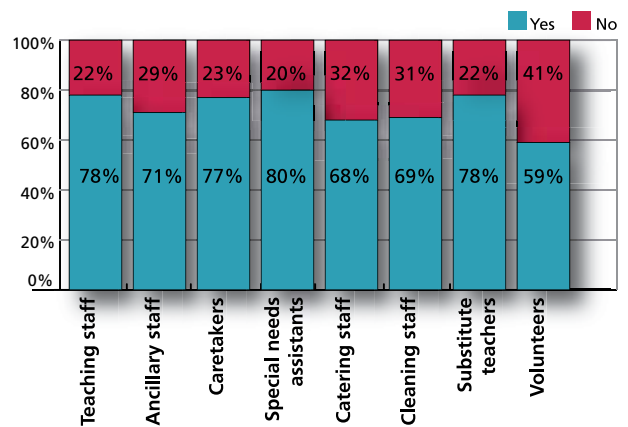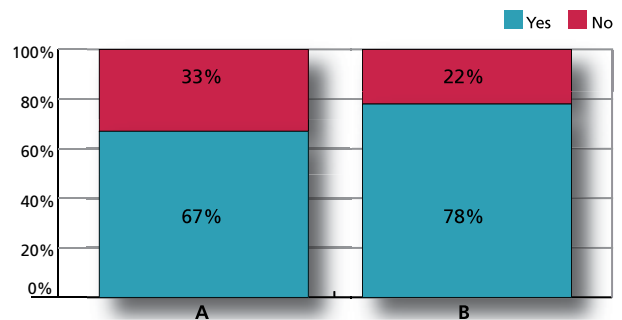

Figure 24: Written procedures for the Garda vetting of staff and volunteers in schools that responded to the survey

8.4 Induction

		Yes	No
A	Are there clear, written procedures in place for induction training of new staff (teaching and non-teaching)?	37	18
B	Is the Child Protection and Welfare Policy communicated to all new staff members (teaching and non-teaching) as part of the induction process?	43	12

Figure 25: Procedures for the induction of new staff in schools that responded to the survey

Key Findings

- While most schools are compliant with recruitment procedures, a number are missing one or more key elements.

- A large percentage of schools that responded to the survey do not have written recruitment procedures in place. However, it is important to note that some schools indicated that recruitment procedures are in place but are not formally set down in writing.

- The majority of schools that responded to the survey carry out reference checks when recruiting teaching and non- teaching staff but do not carry our reference checks on volunteers.

- A significant number of schools that responded to the survey do not require new staff to sign a 'Form of Undertaking' or 'Statutory Declaration' in relation to child protection and welfare matters.

- A considerable number of schools that responded to the survey do not have written procedures in place for the Garda vetting of staff and volunteers.

- The majority of schools that responded to the survey have ensured that child protection and welfare issues are part of their induction procedures.

9.0 Managing and reporting child protection and welfare concerns

Criminal Justice Act 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children'. It states that 'a person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by:

- 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;

- 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.'

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. All schools should have procedures in place for managing and reporting child protection and welfare concerns.

Standard reporting procedures

The steps involved in managing child protection and welfare concerns are outlined below:
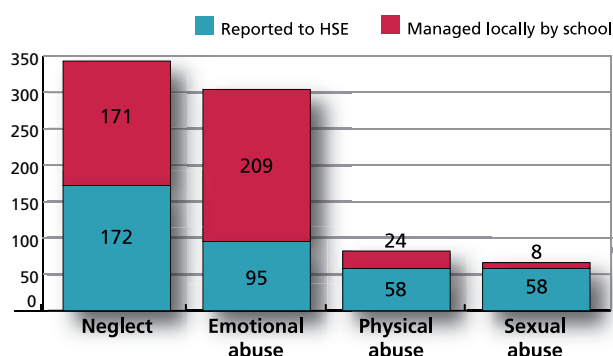
- When a member of staff receives an allegation or has a suspicion that a child may have been abused or neglected, or is being abused or neglected, or is at risk of abuse or neglect he/she should, without delay, report the matter to the DLP in that school.

- The DLP determines whether reasonable grounds for concern exist and decides if the matter should be reported to the HSE.

- Where there are concerns about a child, but the DLP is not sure whether to report the matter to the HSE, the DLP can seek advice from the HSE. If the HSE advises that a report should be made, the DLP should act on that advice.

- In instances where the DLP deems that there are not reasonable grounds for concern, the case is not reported to the HSE and the concern is managed locally in the school. Some concerns, especially in relation to peer abuse and bullying, can also be managed locally without the need to report it to the HSE.

Types of abuse

The Children First: National Guidance for the Protection and Welfare of Children 2011 outlines the principal types of child abuse and offers guidance on how to recognise such abuse. Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse.

As part of the survey, each school provided the number of child protection and welfare concerns for the four types of abuse reported to the HSE and the number of concerns that were managed locally by the school for the school years 2010/11 and 2011/12. The number of peer abuse and bullying concerns reported to the HSE and the number that were managed locally by the school were also provided.[7]

9.1 Summary of the number of child protection and welfare concerns for the school years 2010/11 and 2011/12[7]

Type of abuse	
Child neglect	343
Emotional abuse	304
Physical abuse	82
Sexual abuse	66
Total number of concerns	795
Total number of students[8]	30,391
Concerns per 100 students (2010/11 and 2011/12)	2.6

Figure 26: *Child protection and welfare concerns in schools that responded to the survey for the school years 2010/11 and 2011/12*

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7   Please note that this survey was conducted in May of 2012. The number of child protection and welfare concerns for the school year 2011/12 are a reflection of the number of concerns at that point in time.
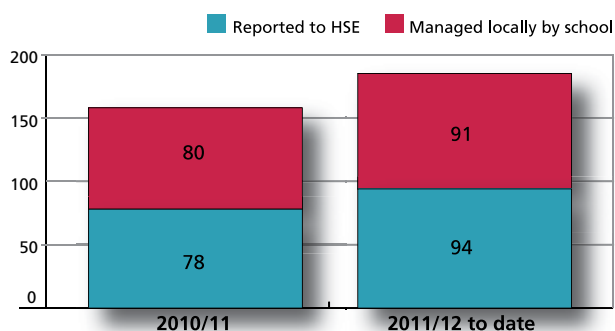
8   Note: The total number of students represents the total number of students in the schools which provided a response to this question.

9.2 Child neglect

Child neglect is the most common type of child abuse in Ireland[9] and it was also the most common type of abuse recorded in the schools which completed the child protection and welfare survey. 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. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. 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.
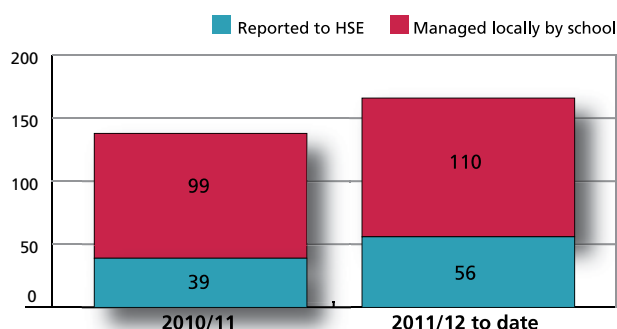
Child Neglect concerns 2010 - 2012 (to date)

Concerns reported to the HSE 2010/11	78
Concerns managed locally by school 2010/11	80
Concerns reported to the HSE 2011/12	94
Concerns managed locally by school 2011/12	91
Total number of concerns	343
Total number of students[10]	30,391
Concerns per 100 students (2010/11 and 2011/12)	1.1

Figure 27: *Child neglect concerns in schools that responded to the survey for the school years 2010/11 and 2011/12*

9.3 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.

Emotional abuse concerns 2010 - 2012 (to date)

Concerns reported to the HSE 2010/11	39
Concerns managed locally by school 2010/11	99
Concerns reported to the HSE 2011/12	56
Concerns managed locally by school 2011/12	110
Total number of concerns	304
Total number of students[10]	30,391
Concerns per 100 students (2010/11 and 2011/12)	1.0

Figure 28: *Emotional abuse concerns in schools that responded to the survey for the school years 2010/11 and 2011/12*

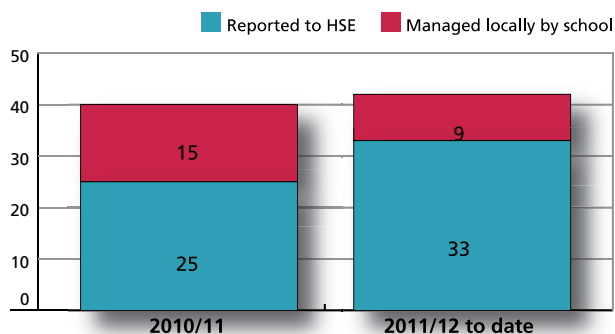9   Source: Child Protection and Welfare Practice Handbook 2011 (HSE)
10   Note: The total number of students represents the total number of students in the schools which provided a response to this question.

9.4 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 severe physical punishment, beating, slapping, hitting or kicking, pushing, shaking or throwing, pinching, biting, choking or hair-pulling, terrorising with threats, observing violence, use of excessive force in handling, deliberate poisoning, suffocation, fabricated/induced illness, allowing or creating a substantial risk of significant harm to a child.
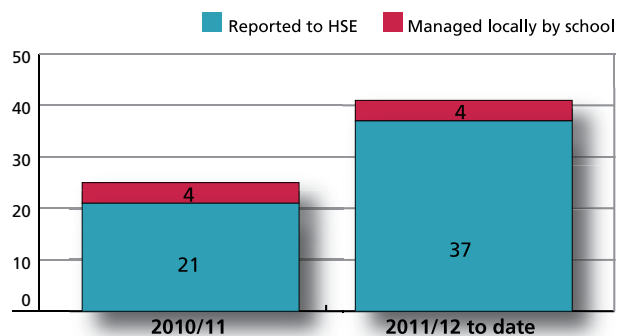
Physical abuse concerns 2010 - 2012 (to date)

Concerns reported to the HSE 2010/11	25
Concerns managed locally by school 2010/11	15
Concerns reported to the HSE 2011/12	33
Concerns managed locally by school 2011/12	9
Total number of concerns	82
Total number of students[10]	30,391
Concerns per 100 students (2010/11 and 2011/12)	0.3

Figure 29: Physical abuse concerns in schools that responded to the survey for the school years 2010/11 and 2011/12

9.5 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.

Sexual abuse concerns 2010 - 2012 (to date)

Concerns reported to the HSE 2010/11	21
Concerns managed locally by school 2010/11	4
Concerns reported to the HSE 2011/12	37
Concerns managed locally by school 2011/12	4
Total number of concerns	66
Total number of students[10]	30,391
Concerns per 100 students (2010/11 and 2011/12)	0.2

Figure 30: Sexual abuse concerns in schools that responded to the survey for the school years 2010/11 and 2011/12

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10 Note: The total number of students represents the total number of students in the schools which provided a response to this question.
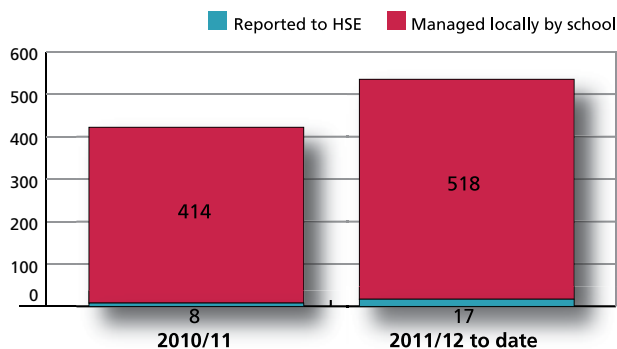
9.6 Peer abuse and bullying

Bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as teasing, taunting, threatening, hitting or extortion by one or more persons against a victim.

Bullying of children can also be perpetrated by adults, including adults who are not related to the child. Peer abuse can be defined as child abuse that is carried out by another child.

Peer abuse and bullying concerns 2010 - 2012 (to date)

Concerns reported to the HSE 2010/11	8
Concerns managed locally by school 2010/11	414
Concerns reported to the HSE 2011/12	17
Concerns managed locally by school 2011/12	518
Total number of concerns	957
Total number of students[10]	30,391
Concerns per 100 students (2010/11 and 2011/12)	3.1

Figure 31: *Peer abuse and bullying concerns in schools that responded to the survey for the school years 2010/11 and 2011/12*

10 Note: The total number of students represents the total number of students in the schools which provided a response to this question.

9.7 Allocation of resources

Recommended Best Practice

• Schools must allocate the adequate resources to allow staff the necessary time to manage child protection and welfare issues and perform the necessary reporting functions.

How many hours per week on average are spent by each of the following persons on child protection and welfare issues?

Member of staff	<5	6-10	11-15	16-20	21-25	26-30	>30
DLP	41	7	3	0	1	0	2
Deputy Principal	38	10	5	1	0	0	0
Counsellor	22	16	10	2	2	0	2
Chaplain	28	11	9	3	2	0	1

Figure 32: *The amount of time spent on child protection and welfare issues on a weekly basis by school personnel in schools that responded to the survey*

Key Findings

• Child neglect is the most common type of abuse in the schools which responded to the survey.

• A large proportion of child neglect and emotional abuse concerns are managed locally by the school.

• The majority of physical abuse and sexual abuse concerns are reported the HSE.

• Almost all of the peer abuse and bullying concerns are managed locally by the school with only a small percentage being reported to the HSE.

• The survey indicated that the majority of Principals and Deputy Principals spend up to one day per week dealing with child protection and welfare issues while Counsellors and Chaplains can spend between to two to three days per week dealing with child protection and welfare issues.

• The pilot schools and a number of survey respondents emphasised that child protection and welfare issues require a lot of their time and attention and it is not an aspect of their role that can be discounted.
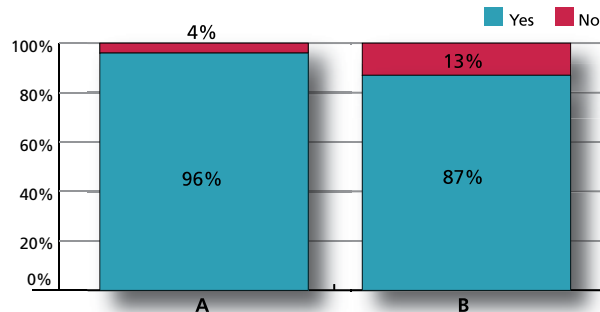
28

10.0 Communication with external agencies

Recommended Best Practice

- In cases where there are concerns about a child, but the DLP is not sure whether to report the matter to the HSE, the DLP should seek advice from the HSE.

- In all cases, where a person seeks the advice of the HSE about whether or not a matter should be reported, the HSE is required to provide such advice.

- Wherever appropriate and within the normal limits of confidentiality, HSE staff have a responsibility to inform persons reporting alleged child abuse and other involved professionals about the outcomes of any inquiry or investigation into that reported concern.

- The HSE should also provide feedback to the Board of Management on the progress of a child abuse assessment/investigation involving a member of staff.

- The Board of Management should be notified of the outcome of the HSE assessment and/or the Garda investigation.

- This will assist the Board of Management in reaching a decision about the action to be taken in the longer term concerning the staff member.

10.1 Liaising with the HSE and An Garda Síochána

		Yes	No
A	Has the DLP ever had to seek advice from the HSE in relation to a child protection and welfare issue?	53	2
B	Has the school developed a working relationship with local An Garda Síochána in relation to Child Protection and Welfare matters?	48	7

Figure 33: *Liaising with the HSE and An Garda Síochána*

10.2 HSE feedback and advice

Approximately how many of the child protection and welfare concerns reported in the last two academic years to date did you receive feedback on from the HSE?

	0%	<10%	>10% <30%	>30% <50%	>50% <80%	>80%	100%
2010/11	14	3	2	3	8	4	20
2011/12 to date	8	4	1	5	7	6	23

Figure 34: *The percentage of schools that responded to the survey which received feedback on child protection and welfare concerns which were reported in the last two academic years*

Key Findings

- Almost all of the schools that responded to the survey have used the HSE for advice on child protection and welfare matters.

- Most schools have developed a good working relationship with An Garda Síochána, while some schools also pointed out they would not usually use An Garda Síochána as a point of contact for child protection and welfare matters unless they had difficulties contacting the HSE.

- The levels of feedback received from the HSE varies from school to school with some schools receiving feedback on all child protection and welfare concerns while some received no feedback at all.

Appendix A – Web based survey questionnaire

The survey questionnaire can be located at the following link:

http://www.stateclaims.ie/Publications/ChildProtectionAndWelfareSurveyQuestionnaire2012.pdf

Child Protection and Welfare Survey 2012

1. Introduction

Child Protection and Welfare for the purposes of this survey is defined as (a) Child neglect (b) Emotional abuse (c) Physical abuse (d) Sexual abuse and (e) Peer abuse and bullying. The definitions of each type of abuse can be found in the 'Children First: National Guidance for the Protection and Welfare of Children'.

1. Please select a School

2. Please enter details below

Name of person completing the questionaire:

Job Title:

Email Address:

Phone Number:

3. How many students are in your School?

- ◯ less than 100
- ◯ More than 100 but less than 300
- ◯ More than 300 but less than 500
- ◯ More than 500 but less than 700
- ◯ More than 700 but less than 1000
- ◯ More than 1000

4. Where is your School located?

- ◯ Rural area
- ◯ Semi-Rural area
- ◯ Urban area

5. Disadvantaged Schools.

	Yes	No
Is your school classified as disadvantaged?	◯	◯

2. Child Protection and Welfare Policy

6. Does your school have a Child Protection and Welfare Policy?

- ◯ Yes
- ◯ No

Appendix B – Legislation

Adoption Act, 2010

Child Care Act, 1991

Child Care (Amendment) Act, 2011

Child Care (Amendment) Act, 2007

Children Act, 2001

Civil Liability and Courts Act, 2004

Criminal Justice Act, 2006

Data Protection Act, 1988 and 2003

Education Welfare Act, 2000

Family Support Agency Act, 2001

National Treasury Management Agency (Amendment) Act, 2000

Ombudsman for Children Act, 2002

Protection for Persons Reporting Child Abuse Act, 1998

Safety, Health and Welfare at Work Act, 2005

Youth Work Act, 2001

Appendix C – Abbreviations

ACCS – Association of Community and Comprehensive Schools

ASTI – Association of Secondary Teachers Ireland

C&C Schools – Community and Comprehensive Schools

DES – Department of Education and Skills

DLP – Designated Liaison Person

Deputy DLP – Deputy Designated Liaison Person

GCVU – Garda Central Vetting Unit

HSE – Health Service Executive

RSE – Relationships and Sexuality Education

SCA – State Claims Agency

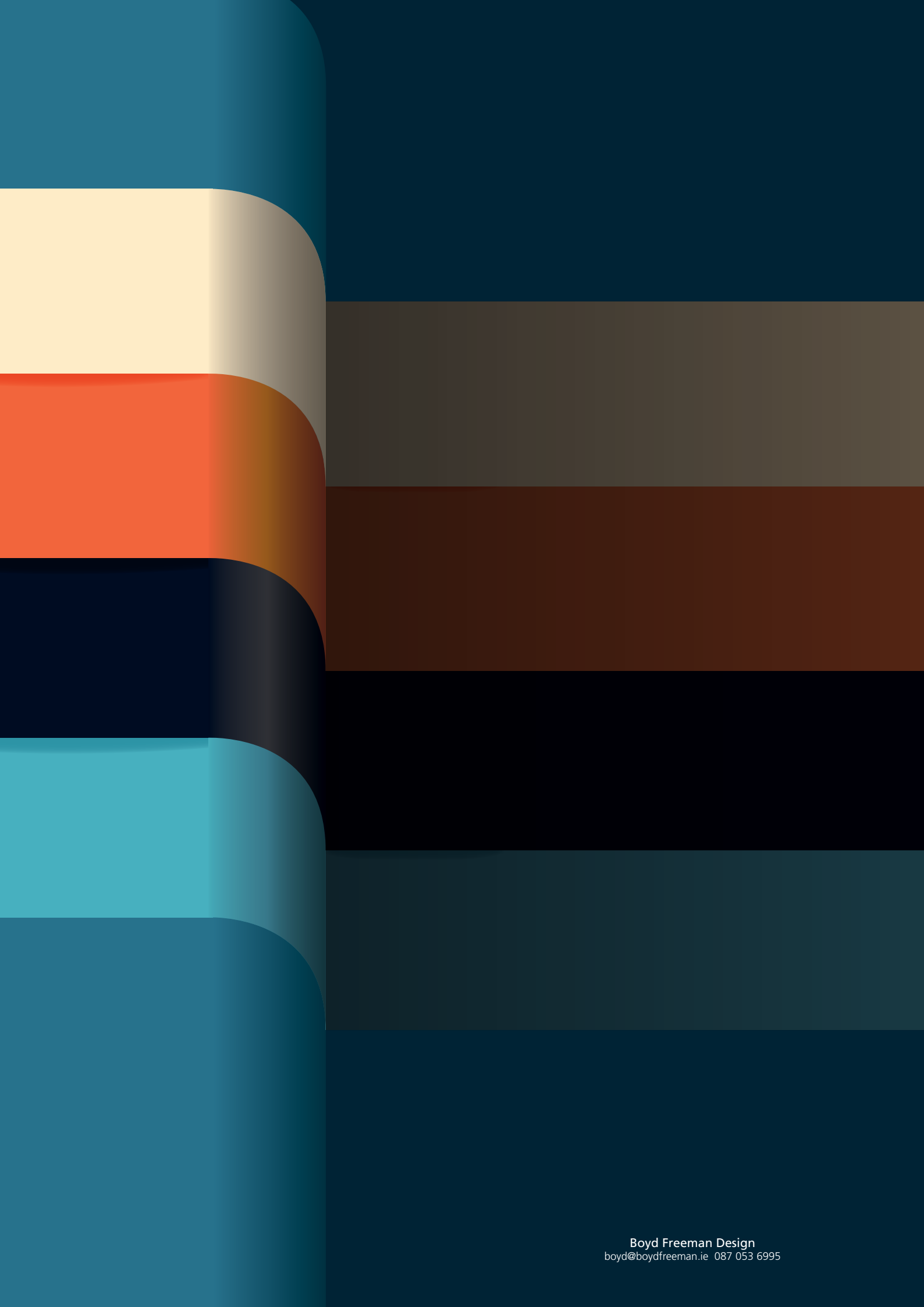**SPHE** – Social, Personal and Health Education

SPHE Support Service - Social, Personal and Health Education Support Service

TUI – Teachers' Union of Ireland

Appendix D – Reference Material

An extensive literature review was carried out on national and international guidance and associated material. The reference material listed below sets out the key documents that were subsequently used in the preparation of the survey and informed the recommended best practice contained in this report.

- ACCS (2005). Guidelines on Formulation of School Data Protection Policy.

- ACCS, ASTI and TUI. (2005). Code of Practice for Dealing with Complaints of Sexual Harassment of a Teacher by a Student in Community and Comprehensive Schools.

- ACCS, ASTI and TUI. (2005). Code of Practice for Processing Complaints made by Parents/Guardians or Students (who have reached the age of 18 years) against a Teacher in Community and Comprehensive Schools.

- B. McMahon & W. Binchy (2000). Law of Torts. 3rd ed. Dublin: Butterworths.

- Department of Children and Youth Affairs (2012). Children First Bill.

- Department of Children and Youth Affairs (2011). Children First: National Guidance for the Protection and Welfare of Children.

- Department of Education and Skills (2011). Child Protection Procedures for Primary and Post-Primary Schools.

- Department of Education and Skills (2010). Circular 0063/2010: Recruitment procedures – requirements for Garda vetting.

- Department of Education and Skills (2011). Circular: 0065/2011. Child Protection Procedures for Primary and Post-Primary Schools.

- HSE (2011). Child Protection and Welfare Practice Handbook.