



TITLE: CHILD PROTECTION POLICY

Effective Date	10 May 2018	Version	02
Approved By	Management Board	Date Approved	09 May 2018
		Review Date	09 May 2021 <i>or as required</i>
Superseded or Obsolete Policy / Procedure(s)		Owner	
01 - <i>Safeguarding Children Policy, Standards for the Catholic Church in Ireland (2016)</i>		President's Office	

1. Purpose of Policy

Carlow College, St. Patrick's (hereafter Carlow College) has been involved in providing third level education since 1793. It is a small, learner-friendly campus where learners and staff work together to create the optimum atmosphere for learning and personal development in which all participants feel safe and comfortable.

The Mission Statement of Carlow College includes a commitment to *endeavour to respond creatively to the needs of our learners and of society*. Amongst the values espoused by Carlow College are our religious tradition and ethos; our inclusivity and respect for other belief systems; our collaboration with the local statutory, civil and civic authorities and with other educational providers in promoting the educational, cultural, social and economic development of Carlow town, the county and the hinterland we serve; and our friendly ethos which promotes the personal, social and cultural development of our learners. This *Child Protection Policy* is fully compatible with and complements the Mission and Values of Carlow College.¹

The 28 September 2017 marked the 25th anniversary of Ireland's ratification of the United Nations Convention of the Rights of the Child (UNCRC). This international instrument contains 54 Articles which set out the rights of children and young people under the age of 18 years, which are guaranteed by most States. A small number of Articles refer to the protection of children and young people, including Article 2, Article 4, Article 19, Article 34, Article 37, and Article 39.² The UNCRC provides the foundation upon which the Republic of Ireland is

¹ This Policy also applies to vulnerable persons as per the Carlow College *Garda Vetting Policy*.

² All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis: The government has a responsibility to make sure children's rights are protected: They must help children's families to protect their rights and create an environment where they can grow and reach their potential: Children have the right to be free

expected to build the legislation, guidance and services that together work to protect all children from harm.

Children First: National Guidance for the Protection and Welfare of Children was first published in 1999 and was revised and updated a number of times, most recently in 2017. The National Guidance is intended to assist people in recognising child abuse and neglect, and in reporting reasonable concerns to the Child and Family Agency, Tusla. The National Guidance has been updated to reflect the provisions of the *Children First Act 2015*; and it outlines the roles of the main statutory bodies involved in child welfare and protection: the Child and Family Agency, Tusla, and An Garda Síochána. It contains details of how to report a concern about a child; and what happens once the report is received by Tusla.

The *Child Trafficking and Pornography Act, 1998*, the *Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012*, *The Children First Act 2015*, the *National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016*, and the *Criminal Law (Sexual Offences) Act 2017* together provide the legislative framework to promote the safety and protection of children. All of this legislation can be accessed on www.irishstatuebook.ie.

An established principle which informs child protection in Ireland is that child protection is everyone's responsibility. Carlow College acknowledges that this responsibility applies whether a child (i.e. a person who has not reached their eighteenth birthday and who is not or has not been married) is a learner of the College; or is otherwise under the care or supervision of College staff; or is simply on college property for whatever reason.

In our work with children and young people, Carlow College shall always be guided by the ***paramountcy principle*** which requires that the welfare of the child should be the paramount consideration.³

By virtue of their age and dependency, children are entitled to a particular care and protection when on the Carlow College Campus or in the care of the College.

Children may be present on Carlow College premises or under the supervision or direction of College staff in a wide number of circumstances including for example:

- children with whom staff and learners work in an academic, support or voluntary capacity;
- children who are clients of social care agencies in which College learners have their practice placements;
- children who are the subjects of or participants in academic research being conducted by College staff or learners;
- registered College learners who are under the age of 18 years; [*interactions with learners who are under 18 years of age will be on the basis of the normal rules applying to all learners*];⁴

from sexual abuse: Children have the right to be protected from being hurt and mistreated, in body or mind: No one is allowed to punish a child in a cruel or harmful way: and Children have the right to help if they have been hurt, neglected or badly treated.

³ *Children First Act (2015)*, Section 7.

⁴ An exception to the general rule is that parental consent is required where learners under the age of 18 wish to engage with the College Counselling Service.

- children and young people attending open days; or attending summer programmes;
- children of College staff members;
- children attending College events, such as Graduation ceremonies;
- children attending and/or participating in activities such as music lessons or examinations, sporting and cultural events etc.;
- children visiting Carlow College for any other reason;
- local school pupils walking through College grounds as a short-cut.

Children may be accompanied by a responsible adult e.g. a teacher or parent; but in some situations, they may be unaccompanied.

The aim of this Policy is to promote best practice in child protection within Carlow College, and to set out procedures to ensure that:

- Carlow College protects children under its care or supervision;
- College staff are informed and confident to adequately respond to specific child protection issues that may arise; and
- College management are prepared and able to make appropriate decisions in the event of specific child protection concerns arising.

2. Definitions

In this Policy, *abuse* refers to physical, sexual or emotional abuse or neglect.

Child in Ireland under the *Child Care Act 1991*, the *Children Act 2001* and the *United Nations Convention on the Rights of the Child* a child is defined as anyone under the age of 18.

Bullying is repeated aggression, whether verbal, psychological or physical, that is conducted by an individual or group against others.

Carlow College Support Services means the Carlow College Student Counselling Services, the Carlow College Student Health Service, the Carlow College Chaplaincy, the Carlow College Careers Office, and the Carlow College Academic Resource Office.

Carlow College personnel may, depending on the context, include members of staff, contractors, those on work experience and volunteers.⁵

Designated Liaison Person (DLP) is responsible for ensuring that reporting procedures within the organisation are followed, so that child welfare and protection concerns are referred promptly to relevant agencies.

Deputy Designated Liaison Person (DDL) will assume the responsibilities of the Designated Liaison Person when the Designated Liaison Person is not available or on leave.

Learner means any registered learner of Carlow College, or any learner who has been given permission by the Registrar to go ‘off books’;

⁵ Please note that this is not an exhaustive list of Carlow College personnel.

Mandated Persons is any person that falls under the definition detailed in the Schedule 2 of the *Children First Act 2015*.

Volunteer means any learner or member of staff or other person who engages in extra-curricular activity with any Carlow College body or with any learner club or society recognised by or affiliated to Carlow College which entails or may entail access to children.

Statutory agencies refer to An Garda Síochána and the Child and Family Agency, Tusla, which have specific legal responsibilities for the investigation and assessment of child protection concerns, suspicions and allegations.

3. Scope of Policy

This *Child Protection Policy* is to be adhered to by all staff of Carlow College, irrespective of grade or function; by all learners of Carlow College; and by all persons invited to provide a service to Carlow College, of whatever nature.

Carlow College was a seminary and allegations of child abuse relating to the seminary will be dealt with under the Diocese of Kildare and Leighlin's *Child Protection Policy*. This can be viewed at: www.kandle.ie.

Effective child protection requires familiarity with child protection guidelines and procedures and clarity of responsibility for staff and learners who have access to children as part of their work, their studies or Carlow College affiliated extra-curricular activities.

4. Policy Statement

There are a number of key principles of child protection and welfare that inform both Government policy and best practice for those dealing with children. These principles, which have been adopted by Carlow College, include that:

- the safety and welfare of children is everyone's responsibility;
- a proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians/carers and families; but where there is conflict, the child's welfare comes first. This is often referred to as the paramourncy principle;
- parents/guardians/carers have a right to respect and so should be consulted and involved in matters concerning their children. In particular, parents/guardians/carers should be informed if Carlow College's Child Protection Designated Liaison Person (DLP) intends to report concerns of possible child abuse or neglect to the relevant authorities (unless providing such information to the parents/guardians might place the child at risk);
- children have the right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives;
- actions taken to protect a child should not in themselves be abusive or cause the child unnecessary distress and every action and procedure should consider the overall needs of the child;
- the criminal dimension of any action cannot be ignored; and thus, notifications of child protection concerns, suspicions or allegations to An Garda Síochána and/or Tusla are important;

- child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of children.

In discharging its duty to safeguard children, Carlow College undertakes to:

- promote the general welfare and safety of children;
- adopt a Code of Behaviour for staff, learners and volunteers working, learning or volunteering with children (see Appendix 1: *Code of Behaviour for Staff or Learners When Working with Children*).
- adopt and consistently apply safe and clearly defined methods of recruiting, selecting or assigning staff, volunteers and learners on placements or undertaking research with children (see *Garda Vetting Policy, Recruitment Policy and Research Ethics Advisory Policy*).
- adopt and consistently apply safe management policies and practices with regard to child protection;
- raise awareness within Carlow College about potential risks to children's safety and welfare;
- develop effective procedures for responding to accidents and complaints involving children (see Appendix 2: *Child Protection Incident Form*).
- develop procedures to provide specific guidance to staff, learners and volunteers who may have reasonable grounds for concern about the safety and welfare of children involved with Carlow College;
- appoint a child protection Designated Liaison Person to act in liaison with outside agencies, including the Gardaí and the Child and Family Agency, Tusla, and as a resource person to any staff member, learner or volunteer who has child protection concerns.

Where it is considered that a person's actions and/or behaviours pose a risk to the safety and welfare of children, this information must be reported to the Carlow College Designated Liaison Person who has responsibility for contacting the relevant statutory agencies. If the Designated Liaison Person is unavailable, the information is to be reported to the Carlow College Deputy Designated Liaison Person.

It is important to note that the statutory obligation of mandated persons to report under the *Children First Act 2015* must be discharged by the mandated person and cannot be discharged by the Designated Liaison Person on their behalf. Mandated persons must report concerns of harm above a particular threshold under the *Children First Act 2015* – please refer to the *Tusla Guide: Child Safeguarding: A Guide for Policy Procedure and Practice*.

The College requires that any Mandated Person making a report also advise the Designated Liaison Person. A Mandated Person may make a joint report with the Designated Liaison Person.

5. Roles and Responsibilities

5.1 Actions to be taken by Members of Carlow College (staff, learners or volunteers)

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 the Designated Liaison Person. 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 the Designated Liaison Person who will provide advice and guidance.

5.1.1 Reasonable grounds for concern

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

- evidence, for example, an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way;
- any concern about possible sexual abuse;
- consistent signs that a child is suffering from emotional or physical neglect;
- a child saying or indicating by other means that he or she has been abused;
- admission or indication by an adult or a child of an alleged abuse they committed;
- an account from a person who saw the child being abused.⁶

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

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

If a staff member, a learner or a volunteer has any concerns, or if anyone raises concerns with them, they must contact the Designated Liaison Person immediately. The Designated Liaison Person will proceed as follows:

- in the case of a child, the parents/guardians should be informed, unless to do so would place the child at further risk;
- where an incident is witnessed or reported and there is a likelihood of material/forensic evidence being available, An Garda Síochána should be advised with appropriate speed;
- if the circumstances presented indicate that a child is at immediate risk they should under no circumstances be left in a dangerous situation.

⁶ *Children First: National Guidance for the Protection and Welfare of Children*, p. 6.

In cases of an emergency, where it is believed that a child is at serious and imminent risk, immediate contact should be made in the first instance with the College Reception (during normal business hours) **or** College Security (outside of normal business hours) to ensure the safety of the child. The Designated Liaison Person should be informed, who will immediately inform the Child and Family Agency (Tusla), and An Garda Síochána. In the absence of the Designated Liaison Person or the Deputy Designated Liaison Person, these further contacts will be made by either the College Reception (during normal business hours) **or** College Security (outside of normal business hours).

College Reception:	059 9153200
College Security:	To be advised
Garda National Protective Services Bureau:	01 6663430 / 01 6663435 or
Carlow Garda Station:	059 9131505
Tusla:	059 9136570

A member of the Carlow College community should not interview the child or the child's parents/carer about the alleged abuse, as this is a function of the Child and Family Agency (Tusla) or An Garda Síochána.

5.1.2 Records

It is important that any member of the Carlow College community reporting suspected child abuse should accurately record the conversations/observations which establish the basis for their concerns. These observations (which may include dates, times, names, locations, context and any other information which may be relevant) should inform the discussion with the Designated Liaison Person (see Appendix 2: *Child Protection Incident Form*).

5.1.3 Dealing with disclosures

Should an allegation of abuse be disclosed directly by a child to a member of the Carlow College community, the child who disclosed is likely to be under severe emotional stress and the member of the College may be the only person whom the child is prepared to trust. Great care should be taken not to damage this trust. The member of the College will need tact and sensitivity in responding to the disclosure, while no guarantee of confidentiality should be given.

While any basis for concern must be established as comprehensively as possible, the following advice is offered to members of the college to whom the child makes a disclosure of abuse:

- react calmly;
- listen carefully and attentively;
- take the child seriously;
- reassure the child that they have taken the right action in talking to you;
- do not promise to keep anything secret;
- ask questions for clarification only. Do not ask leading questions;
- check and confirm with the child that what you have heard is correct and understood;
- do not express any opinions about the alleged abuser;

- ensure that the child understands the procedures that will follow;
- make a written record of the conversation as soon as possible, in as much detail as possible;
- treat the information confidentially, subject to the requirements of this guidance and legislation.⁷

5.2 Information Reported to the Designated Liaison Person

5.2.1 Mandatory Reporting to State Authorities

Carlow College is obliged to report any reasonable suspicion or allegation of current or historic child abuse to the Child and Family Agency (Tusla). This is done by the Designated Liaison Person. Subsequent to, or in parallel with this reporting, internal investigations may be carried out.

Where an allegation is made against a member of staff, the Designated Liaison Person will inform the President and Human Resource Office. The Designated Liaison Person will carry out or cause to be carried out an investigation and/or an independent investigation in keeping with the procedures set out in Appendix 3.

Where an allegation is made against a learner of Carlow College, the Designated Liaison Person will inform the Vice President for Academic Affairs/Registrar and the two Assistant Registrars. The Designated Liaison Person will carry out or cause to be carried out an investigation and/or an independent investigation in keeping with the procedures set out in Appendix 4.

Such internal College investigations do not impact on the duty to report the allegation of abuse to the Child and Family Agency (Tusla) and An Garda Síochána. However, it should first be established with the two statutory agencies how and when Carlow College should commence its own internal investigations, so as to not inadvertently intrude on the work of either agency.

5.2.2 Confidentiality

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

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

5.2.3 Persons Reporting Possible Child Abuse

There are legislative provisions to protect from civil or criminal liability any member of Carlow College who reports suspicions of child abuse reasonably and in good faith to designated officers of the Child and Family Agency (Tusla) or to An Garda Síochána (*Protections For Persons Reporting Child Abuse Act, 1998*, available on www.irishstatutebook.ie).

⁷ *Children First: National Guidance for the Protection and Welfare of Children*, p. 22.

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.

5.3 The Designated Liaison Person

The Designated Liaison Person is appointed by the President of Carlow College. The Designated Liaison Person reports to the President on all matters arising from the implementation of the Policy. For reasons of confidentiality, the details of individual cases will not normally be made public (subject to the exceptions outlined in the section on Mandatory Reporting above).

The role of the Designated Liaison Person is to:

- a) Oversee the implementation of the Child Protection Policy and the Guidelines contained in this document;
- b) Be familiar with relevant legislation, guidance, rules and policies, including Carlow College Policies and Rules;
- c) Liaise regularly with relevant external statutory agencies responsible for child protection with a view to ensuring awareness of developments in legislation, policy and practice;
- d) Ensure a Code of Behaviour between staff and learners of Carlow College and children is made widely available. The aim of this Code is to avoid the possibility of misunderstandings, or the potential for allegations of misconduct (see Appendix 1);
- e) Promote awareness of these guidelines and ensure that staff and learners of Carlow College have ready access to the contact details of the Designated Liaison Person;
- f) Establish reporting procedures to and from the Designated Liaison Person and ensure that they are made known to all;
- g) Convene meetings of such staff as are deemed appropriate to advise the Designated Liaison Person on matters, such as how to assess an allegation of child abuse made against a learner or member of staff; what steps, if any, to take to protect children apart from referring the allegation to Tusla/Gardaí; etc. Participants in such meetings are bound by the requirements of this policy, specifically in relation to the duty of confidentiality;
- h) Receive and process reports of allegations and suspicions of child abuse without delay and decide on appropriate action, taking into account the immediate danger to children and the possible requirements of An Garda Síochána to secure material evidence;
- i) Ensure that proper records are kept. All records are highly confidential and are kept securely by the Designated Liaison Person. Details of allegations of abuse and actions taken by the Designated Liaison Person must be recorded;
- j) Inform the Child and Family Agency (Tusla) and An Garda Síochána of all incidents where reasonable grounds for concern exist that a child may have been abused, or is being abused, or is at risk of abuse to ensure that they are involved with appropriate speed;

- k) Ensure appropriate information is available at the time of referral of child protection concerns to the appropriate authorities and that the referral is confirmed in writing, under confidential cover;
- l) Following the reporting of suspected child abuse to the civil authorities, inform the parents/guardians of a child of concerns that their child may have been harmed or abused and that the matter has been reported to the authorities unless it is the case that so notifying the parents/guardians/carers might pose a risk of harm to the child or any other child. A decision not to inform the parents/guardians/carers should be recorded in writing together with the reasons for not doing so and the relevant civil authorities should be notified that the parents/guardians/carers have not been informed;
- m) Liaise with the President and Vice President for Academic Affairs/Registrar of the College, as appropriate;
- n) Provide professional expertise and support in regard to decision making in individual cases. Additional professional resources may be called on as the need arises;
- o) Ensure that appropriate steps are taken to support person(s) named in a Child Protection Incident;
- p) Where the Designated Liaison Person decides not to make a formal report to Tusla and/or An Garda Síochána, he or she shall keep a record of the concerns on file, shall record the reasons for not reporting the matter and shall give the person who made the initial report a clear written statement of the reasons why a formal report is not being made to the civil authorities. That person should also be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, the State authorities and that the provisions of the *Protections for Persons Reporting Child Abuse Act 1998* apply, once they communicate ‘reasonably and in good faith’.
- q) Review and evaluate these guidelines annually to determine their operational effectiveness and to ensure that contact details are up to date.

5.3.1 The Deputy Designated Liaison Person

The Deputy Designated Liaison Person will assume the responsibilities of the Designated Liaison Person when the Designated Liaison Person is not available or on leave.

5.4 Provision of Child Protection Training

The Designated Liaison Person should undertake any training considered necessary to keep updated on new developments. In addition, Carlow College staff and volunteers will be trained appropriately in child protection procedures. The Designated Liaison Person will work with line management and others as appropriate to identify specific groups of staff, learners and volunteers who may require training.

New employees and learners shall be informed of this Policy at induction and must sign a form indicating acceptance of the Policy. Reference to the *Child Protection Policy* will be included in all communications about Carlow College policies. Carlow College personnel who sanction the participation of volunteers in Carlow College activities involving children must inform such volunteers of this Policy.

6. Associated Documentation

- Appendix 1: Code of Behaviour for Staff or Learners When Working with Children

- Appendix 2: Child Protection Incident Form
- Appendix 3: Procedures When a Child Protection Complaint is Made Against Staff Members
- Appendix 4: Procedures When a Child Protection Complaint is Made Against Learners

7. Referenced Carlow College and National Policies

- Carlow College Policies
 - *Grievance Policy*
 - *Disciplinary Policy*
 - *Social Media Policy*
 - *IT Policy*
 - *Garda Vetting Policy*
 - *Research Ethics Advisory Policy*
- National Policies
 - *Children First: National Guidance for the Protection and Welfare of Children 2017*
 - *Child and Family Agency (Tusla) Policy & Procedures for Responding to Allegations of Child Abuse & Neglect (September 2014)*

8. Monitoring and Review

The *Child Protection Policy* is approved by the Management Board. The Office of the President, in consultation with the Designated Liaison Person, will monitor this Policy annually and in line with legislative change. A full policy review is scheduled three years after the effective date.