



JMB

JOINT MANAGERIAL BODY
For Voluntary Secondary Schools

Board's Responsibilities in Child Protection

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For information of BOM

- Statutory responsibilities of boards, including:
- Oversight report
- Role of patron
- Risk assessment
- Safeguarding statement
- Training
- Review



Board's responsibilities

1.1.9 Section 10 of the Children First Act, 2015 places a statutory obligation on schools to ensure, as far as practicable, that each child attending the school is safe from harm while attending school or otherwise participating in school activities. Schools are also required under section 11 of the Act to prepare and publish a Child Safeguarding Statement.



Board's responsibilities

1.1.14 All boards of management are required to formally adopt and implement these revised procedures as part of the school's Child Safeguarding Statement. School authorities and school personnel are required to adhere to these revised procedures in dealing with allegations or suspicions of child abuse.



Board's responsibilities

- **3.5.1** It is the responsibility of all boards of management to **designate a senior full-time member of the registered teaching staff of the school as the designated liaison person (DLP)** for the school.
- **3.5.2** It is expected that the **DLP will normally be the principal.**
- Note: the JMB recommends that the principal be the DLP as she/he has day-to-day responsibility for staff.



Board's responsibilities

- **3.5.3** It is also the responsibility of the board of management to **designate another member of the full time registered teaching staff of the school (to be known as the deputy DLP) to assume the responsibilities of the DLP, in the absence of the DLP.**
- **3.5.4** The board of management shall ensure **that arrangements are in place to enable the deputy DLP to effectively assume his or her responsibilities in the absence of the DLP and to ensure that the deputy DLP can access relevant records when required.**
- **3.5.8** These procedures also require that **the DLP shall be appointed as the “relevant person”** under section 11 of the Children First Act, 2015 for the purposes of being the first point of contact in respect of the school's Child Safeguarding Statement.



Allegation/concern re a member of school personnel: Protocol authorising immediate action (appendix 3)

7.2.1 Employers must have in place a **written protocol** for authorising immediate action when there is an urgent child safeguarding requirement to immediately absent an employee from the school. For example, this protocol will apply where the need for immediate action arises during the course of a school day or just prior to the commencement of a school day and where the immediate safeguarding of children requires that such action **must not be delayed** pending or contingent on the convening of a meeting of the board of management or the receipt of legal advice. Such action may also be triggered by the school being informed by Tusla or An Garda Síochána of a risk to children.



Appendix 3: Protocol authorising immediate action

- **In the context of these procedures, where circumstances warrant it, as an essential precautionary measure in order to protect the children in the school, the school principal is authorised by the school management authority to direct an employee to immediately absent himself or herself from the school without loss of pay until the matter has been considered by the employer. It is very important to note that the action under the protocol is intended to be precautionary and not disciplinary. The action under this protocol is an interim measure pending the employer's further consideration of the matter.**



Appendix 3 protocol

- The employee will be invited to a meeting with the principal, the purpose of which is to inform the employee of the allegation and the action being taken. The employee may be accompanied by an appropriate person of his or her choice and will be so advised.
- In any event, the employee will also be advised of the matter, in writing.
- The principal shall make a record of the meeting which shall be retained on the relevant case file.



Emergency BOM Meeting

- **7.2.4 The board will have to consider formally placing the employee on administrative leave and proceeding within the disciplinary process**
- **7.2.5 Employers should note that legal advice should always be sought in these cases.**
- **Note that the employee is not identified in the minutes.**
(See DES guidance note 5 on use of unique codes; also guidance note 4 on recording of cases in the minutes)



Conclusion of case concerning school personnel Information from Tusla 7.6

- **If, after its investigation, Tusla reaches a conclusion that an allegation is “founded” it will inform the school employer and the relevant registration body (i.e. the Teaching Council in the case of registered teachers).**
- **Where Tusla has concluded that the allegation is “founded”, Tusla will provide a copy of its concluding report of its findings, if requested to do so by the school employer.**
- **If Tusla reaches a conclusion that an allegation is “not founded”, it will not share any further information with the school employer beyond confirming that its conclusion in the matter was that the allegation was “not founded.”**



Statutory responsibilities on boards

8.2.1 The main statutory obligations on a board of management under the Children First Act, 2015 are to:

- ensure, as far as practicable that **children are safe from harm while availing of the school's services (i.e. while attending the school or while participating in school activities)**
- **carry out an assessment of any potential for harm to children** while they are attending the school or while they are participating in school activities (this is known as a risk assessment)
- **prepare and display a written Child Safeguarding Statement** in accordance with the requirements of the Act
-
- **appoint a “relevant person”** as the first point of contact in respect of the school's Child Safeguarding Statement. Chapter 3 of these procedures requires that the DLP shall be appointed in this role.
-
- **provide a copy of its Child Safeguarding Statement to members of school personnel and, where requested to parents, members of the public and to Tusla.**



Statutory responsibilities

- **8.4.1** It is the responsibility of all schools to contribute to the prevention of child abuse and neglect through curricular provision. In that context **the Social, Personal and Health Education (SPHE) programme is a mandatory part of the curriculum for all students in primary schools and in the junior cycle of post-primary schools and must be fully implemented. All post-primary schools are also required to have a Relationships and Sexuality Education (RSE) programme at senior cycle.**
- **8.4.3** Since September 2017 all schools must **deliver a wellbeing programme** for those students entering first year from September 2017 onwards. Key components of this programme include Physical Education, SPHE, (including Relationships and Sexuality Education (RSE)) Civic, Social and Political Education (CSPE). Students' achievements in the area of Wellbeing will be recorded on the Junior Cycle Profile of Achievement from autumn 2020 onwards.



Oversight by BOM

9.4.1 At each board of management meeting, the principal's report to the board shall include a Child Protection Oversight Report containing information under 4 headings as follows-

1. Allegations of abuse made against members of **school personnel** (see section 9.5)
2. Other child protection concerns in respect of **pupils in the school** (i.e. concerns that do not involve any allegation of abuse against a member of school personnel) (see section 9.6) p 78
3. Child protection concerns arising from **alleged bullying behaviour** amongst pupils (see section 9.7) and
4. **Summary data** in respect of reporting (see section 9.8)



Summary Data in Oversight Report

9.8.1 As part of the principal's report to the board of management, the Child Protection Oversight Report shall also -

- a) state the total number reports made to Tusla by the DLP since the last board of management meeting and shall state the number of those reports which were submitted as mandated reports and whether or not any of those reports (mandated or otherwise) concerned a member of school personnel;
- b) state the total number of cases, since the last board meeting, where the DLP sought advice from Tusla and as a result of this advice, no report was made by the DLP, and state whether or not any of those cases concerned a member of school personnel;
- c) state the total number of cases since the last board meeting where a member of school personnel provided the DLP with a copy of a report submitted by that person to Tusla in relation to a matter that the DLP had considered did not require reporting or did not require reporting as a mandated report and state whether or not any such cases concerned a member of school personnel;
- d) where there were no such cases at (a), (b) or (c) above, state this fact



BOM Responsibilities re Oversight

9.9.1 The overall principle informing the oversight function of the board of management is the need for boards of management **to ensure that they have robust procedures in place to fully implement these procedures** and to satisfy themselves that their procedures are effective in ensuring that all children are safe from harm while attending the school or while participating in school activities. To this end **boards of management should ensure that these procedures are implemented in full.**



BOM Responsibilities re Oversight

In particular the board of management shall:

- **formally adopt the Child Safeguarding Statement** and the minutes of the relevant board meeting shall record this fact
- satisfy itself and record in the relevant board minutes that **each of the requirements for display, publication and circulation of the Statement as set out in these procedures have been met in full.**
- **undertake an annual review of the Child Safeguarding Statement** and issue the **notification** confirming completion of that review **to the patron and the Parents' Association** in accordance with the procedures set out in chapter 8 of these procedures. The board of management shall also **publish the notification confirming completion of the annual review on the school website.** The minutes of the relevant board meeting shall record that that it has undertaken the review and has issued/published the notifications confirming same.



Oversight

- **9.9.2 Any complaints or suggestions for improvement that are made to the board of management or to a member of school personnel regarding the school's Child Safeguarding Statement shall be brought to the attention of the board at the next following board meeting.** The board of management shall be informed of any action taken on foot of such complaint or suggestion. The board of management shall review the matter and shall, where appropriate, implement any improvement considered necessary or remedy any deficiency identified regarding its compliance with these procedures' requirements in respect of the school's Child Safeguarding Statement. The minutes of the relevant board meeting(s) shall record the foregoing.
- **9.9.3 As part of its annual review of the Child Safeguarding Statement, the board of management must seek feedback from parents in relation to the school's compliance with the child safeguarding requirements of these procedures. As part of this annual review, the views of pupils on the school's safeguarding arrangements should also be sought by the board.** This should be done in a manner appropriate to the age and maturity of the children concerned. Any areas for improvement identified should be addressed.



Role of the Patron

- **9.10.2** These procedures require that the patron be provided with a copy of the Child Safeguarding Statement and the notification regarding the annual review of the Child Safeguarding Statement.
- **9.10.3** Records of the annual review of the Child Safeguarding Statement and its outcome shall be made available, if requested, to the patron.
- **9.10.4** Where an **allegation or suspicion of child abuse or neglect regarding a member of the board of management has been reported by the DLP (or employer) to Tusla, the board of management shall inform the patron** that a report involving a board member has been submitted to Tusla. It is a matter for the patron to determine if any action is necessary regarding the member's continued role on the board of management, including whether the patron shall exercise his or her powers under section 16 of the Education Act 1998.
- **9.10.5** The patron must also be informed where the board of management has not complied with the procedures set out in section 7.3.6 and has not reported an allegation of abuse against an employee to Tusla where advised by Tusla to do so.



Training

8.7.1 Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies (interagency) and within agencies (intra-agency). Relevant training and education is an important means of achieving this. **It is imperative that boards of management ensure that all school personnel and board of management members have the necessary familiarity with these procedures to enable them to fulfil their responsibilities therein.** It is envisaged that this will be achieved by the school developing a culture of awareness and knowledge of these procedures amongst all school personnel and, where appropriate, ensuring that available training is undertaken.



Tusla e-learning

- 90 minutes approximately
- Focus is on the 4 types of abuse/neglect
- Signs and symptoms
- Practical examples, scenarios
- Role of Tusla
- Includes certification
- Enter your email address and a password
- <https://www.tusla.ie/children-first/children-first-e-learning-programme/>



Risk Assessment

- **8.8.1** Under the **Children First Act, 2015** all boards of management are **statutorily obliged to undertake a risk assessment in accordance with the Act**. This assessment involves considering and documenting the potential for harm to come to children (referred to as risk) while they are in the school's care.
- **8.8.2** Section 11 (1) (a) of the Children First Act, 2015 defines risk as “any potential for harm to a child while availing of the service.” **It should be noted that Children First outlines that risk in this context is the risk of “harm” as defined in the Children First Act, 2015 and not general health and safety risk.**



Harm

“harm” means, in relation to a child –

(a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or

(b) sexual abuse of the child,

- *whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise;*
- *“ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated;*
- *“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care;”*
- *“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.”*



Risk Assessment

8.8.3 A risk assessment is an exercise whereby an organisation examines all aspects of its activities to establish whether there are any practices or features of those activities that have the potential to put children at risk of harm (as defined in the Act and set out in chapter 4 of these procedures). Children First National Guidance 2017 outlines that the risk assessment process is intended to enable an organisation to:

- Identify potential risks of harm
- Ensure appropriate policies and procedures are in place to minimise risk of harm by responding in a timely manner to potential risks
- Review whether adequate precautions have been taken to eliminate or reduce these risks of harm.



Risk Assessment

- **8.8.5** Under these procedures all boards of management are required to complete the risk assessment template published by the Department of Education and Skills when undertaking this risk assessment. The template, Mandatory Template 1, is available on the Department's website and on jmb.ie. The completed risk assessment template shall be included in the school's Child Safeguarding Statement.
- **8.8.6** As an aid to undertaking the risk assessment, the template contains examples of activities, risks of harm and procedures to manage those risks that are common to many schools. Each board of management shall select and include those that are relevant to its particular circumstances.



Risk Assessment

8.8.9 Where a school provides any after-school activity or service to its pupils such as **boarding facilities**, it should ensure that it has in place adequate child protection measures for that activity or service and that these include **clear reporting procedures** for ensuring that any child protection concerns arising within such activity or service are reported promptly to Tusla in accordance with the relevant requirements of Children First National Guidance 2017 and the Children First Act, 2015. Such procedures should include clearly documented procedures for ensuring that the DLP of the school is kept appropriately informed of any child protection concerns that arise within the activity or service concerned. In accordance with the Children First Act, 2015, the school's risk assessment and Child Safeguarding Statement must also take account of any such activity or service and specify the risks of harm identified and the procedures that are in place to manage those risks.



Child Safeguarding Statement

8.9.1 Section 11 of the Children First Act, 2015 places a statutory obligation on providers of a relevant service, including all recognised schools, to prepare a Child Safeguarding Statement. In accordance with the Act, this is a written statement which must -

- 1) specify the services being provided by the provider (i.e. school)
- 2) specify the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the school's services is safe from harm
- 3) include a written risk assessment of risk carried out in accordance with the Act
- 4) specify the procedures that are in place to manage any risk identified and



Child Safeguarding Statement

5) specify the procedures that are in place –

- a) in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service,
- b) for the selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children,
- c) for the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm,
- d) for reporting to Tusla by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with the Children First Act, 2015 or the guidelines issued by the Minister under section 6 of the Act (i.e. Children First National Guidance 2017),
- e) for maintaining a list of the persons in the relevant service who are mandated persons, and
- f) for appointing a relevant person as the first point of contact in respect of the provider's child safeguarding statement.



Timeframe for a New School

- **8.10.2** In the case of a school established after **11th March 2018** the risk assessment and Child Safeguarding Statement must be prepared within three months from the date on which the school opens to receive pupils.



Provision of Safeguarding Statement

- **8.11.1** Under the Act, a board of management is obliged to provide a copy of the Child Safeguarding Statement to all school personnel and must make it available to parents, Tusla and members of the public upon request.
- **8.11.2** These procedures require that a copy of the Safeguarding Statement shall be provided to the patron and the Parents' Association and shall be made available on request to the Department. A copy of the Safeguarding Statement shall also be published on the school's website.
- The Act requires that the Child Safeguarding Statement be displayed in a prominent place in the school and these procedures require that this shall be near the main entrance to the school. These procedures require that the name of the DLP shall also be displayed next to the Child Safeguarding Statement.



Review

- **8.13.1** These procedures require that the **Child Safeguarding Statement be reviewed annually** in accordance with the requirements set out in this chapter. Undertaking this annual review will ensure that a board of management also meets its statutory obligation under section 11(7) of the Children First Act, 2015 to review its Child Safeguarding Statement every two years.
- **8.13.2** However, boards of management should also be aware that the Children First Act, 2015 requires that the Child Safeguarding Statement must be reviewed sooner than the timelines referred to above, where there is any material change in any matter to which the statement refers.
- **8.13.4** As part of its annual review of the Child Safeguarding Statement, the board of management must seek feedback from parents in relation to the school's compliance with the child safeguarding requirements of these procedures. As part of the review, the views of pupils on the school's safeguarding arrangements should also be sought by the board of management. This should be done in a manner appropriate to the age and maturity of the children concerned. Any areas for improvement identified as a result of feedback from parents and pupils should be addressed.



Review

- **8.13.5** The board of management shall put in place an action plan to address any areas for improvement identified by the review and arrange for these to be dealt with as quickly as possible.
- **8.13.6** The board of management shall make arrangements to inform school personnel that the review has been undertaken. Written notification that the review has been undertaken shall be provided to the Parents Association (or where none exists directly to parents) and to the school patron. The Department has also published a standard notification which shall be used for this purpose. A copy of this notification shall be published on the school's website. Records of the review and its outcome shall be retained and made available, if requested, to the patron and/or the Department