

# Child Safeguarding Risk Assessment

## Written Assessment of Risk of Coláiste Eamonn Rís Loch Garman

In accordance with section 11 of the Children First Act 2015 and with the requirement of Chapter 8 of the *Child Protection Procedures for Primary and Post-Primary Schools 2017*, the following is the Written Risk Assessment of **Coláiste Eamonn Rís Loch Garman**.

### 1. List of school activities

- Daily arrival and dismissal of pupils
- Recreation breaks for pupils
- Classroom teaching
- One-to-one teaching
- One-to-one counselling
- Outdoor teaching activities
- Sporting Activities
- School outings
- School trips involving overnight stay
- School trips involving foreign travel
- Use of toilet/changing/shower areas in schools
- Annual Sports Day
- Fundraising events involving pupils
- Use of off-site facilities for school activities
- School transport arrangements including use of bus escorts
- Care of children with special educational needs, including intimate care where needed,
- Care of any vulnerable adult students, including intimate care where needed
- Administration of Medicine
- Administration of First Aid
- Curricular provision in respect of SPHE, RSE, Stay Safe
- Prevention and dealing with bullying amongst pupils
- Training of school personnel in child protection matters
- Use of external personnel to supplement curriculum
- Use of external personnel to support sports and other extra-curricular activities
- Care of pupils with specific vulnerabilities/ needs such as
  - Pupils from ethnic minorities/migrants
  - Members of the Traveller community
  - Lesbian, gay, bisexual or transgender (LGBT) children
  - Pupils perceived to be LGBT
  - Pupils of minority religious faiths
  - Children in care
  - Children on CPNS
- Recruitment of school personnel including -
  - Teachers/SNA's
  - Caretaker/Secretary/Cleaners
  - Sports coaches

- External Tutors/Guest Speakers
- Volunteers/Parents in school activities
- Visitors/contractors present in school during school hours
- Visitors/contractors present during after school activities
- Participation by pupils in religious ceremonies/religious instruction external to the school
- Use of Information and Communication Technology by pupils in school
- Application of sanctions under the school's Code of Behaviour including detention of pupils, confiscation of phones etc.
- Students participating in work experience in the school
- Students from the school participating in work experience elsewhere
- Student teachers undertaking training placement in school
- Use of video/photography/other media to record school events
- After school use of school premises by other organisations
- Homework club/evening study

**2. The school has identified the following risk of harm in respect of its activities -**

- Risk of harm not being recognised by school personnel
- Risk of harm not being reported properly and promptly by school personnel
- Risk of child being harmed in the school by a member of school personnel
- Risk of child being harmed in the school by another child
- Risk of child being harmed in the school by volunteer or visitor to the school
- Risk of child being harmed by a member of school personnel, a member of staff of another organisation or other person while child participating in out of school activities e.g. school trip, swimming lessons
- Risk of harm due to bullying of child
- Risk of harm due to inadequate supervision of children in school
- Risk of harm due to inadequate supervision of children while attending out of school activities
- Risk of harm due to inappropriate relationship/communications between child and another child or adult
- Risk of harm due to children inappropriately accessing/using computers, social media, phones and other devices while at school
- Risk of harm to children with SEN who have particular vulnerabilities
- Risk of harm to child while a child is receiving intimate care
- Risk of harm due to inadequate code of behaviour
- Risk of harm in one-to-one teaching, counselling, coaching situation
- Risk of harm caused by member of school personnel communicating with pupils in appropriate manner via social media, texting, digital device or other manner
- Risk of harm caused by member of school personnel accessing/circulating inappropriate material via social media, texting, digital device or other manner

**3. The school has the following procedures in place to address the risks of harm identified in this assessment -**

- All school personnel are provided with a copy of the school's *Child Safeguarding Statement*
- The *Child Protection Procedures for Primary and Post-Primary Schools 2017* are made available to all school personnel
- School Personnel are required to adhere to the *Child Protection Procedures for Primary and Post-Primary Schools 2017* and all registered teaching staff are required to adhere to the *Children First Act 2015*
- The school implements in full the SPHE curriculum
- The school implements in full the Wellbeing Programme at Junior Cycle
- The school has an Anti-Bullying Policy which fully adheres to the requirements of the Department's *Anti-Bullying Procedures for Primary and Post-Primary Schools*
- The school has a yard/playground supervision policy to ensure appropriate supervision of children during assembly and dismissal.
- The school has a Health and safety policy
- The school adheres to the requirements of the Garda vetting legislation and relevant DES circulars in relation to recruitment and Garda vetting
- The school complies with the agreed disciplinary procedures for teaching staff
- The school has a Special Educational Needs Policy
- The school –
  - Has provided each member of school staff with a copy of the school's Child Safeguarding Statement
  - Ensures all new staff are provided with a copy of the school's Child Safeguarding Statement
  - Encourages staff to avail of relevant training
  - Encourages board of management members to avail of relevant training
- The school has in place a code of behaviour for pupils
- The school has in place an ICT policy in respect of usage of ICT by pupils
- The school has in place a mobile phone policy in respect of usage of mobile phones by pupils
- The school has in place a Critical Incident Management Plan
- See also Coláiste Éamonn Rís Child Safeguarding Procedures and Protocols (Appendix 2)

**Important Note:** It should be noted that risk in the context of this risk assessment is the risk of “harm” as defined in the Children First Act 2015 and not general health and safety risk. The definition of harm is set out in Chapter 4 of the *Child Protection Procedures for Primary and Post- Primary Schools 2017*

In undertaking this risk assessment, the board of management has endeavoured to identify as far as possible the risks of harm that are relevant to this school and to ensure that adequate procedures are in place to manage all risks identified. While it is not possible to foresee and remove all risk of harm, the

school has in place the procedures listed in this risk assessment to manage and reduce risk to the greatest possible extent.

This risk assessment has been completed by the Board of Management on Tuesday March 6<sup>th</sup> 2018. It shall be reviewed as part of the school's annual review of its Child Safeguarding Statement.

This risk assessment was reviewed as part of the review of the school's Child Safeguarding Statement on 26<sup>th</sup> March 2019.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Chairperson, Board of Management

Signed \_\_\_\_\_ Date \_\_\_\_\_

Principal/Secretary to the Board of Management

## Child Safeguarding Statement

**Coláiste Eamonn Rís Loch Garman** is a post-primary school providing post-primary education to pupils from First Year to Leaving Certificate Year.

In accordance with the requirements of the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children 2017, Addendum to Children First 'Online Safety', the Child Protection Procedures for Primary and Post Primary Schools 2017 and Tusla Guidance on the preparation of Child Safeguarding Statements, the Board of Management of **Coláiste Eamonn Rís, Loch Garman** has agreed the Child Safeguarding Statement set out in this document.

- 1 The Board of Management has adopted and will implement fully and without modification the Department's Child Protection Procedures for Primary and Post Primary Schools 2017 as part of this overall Child Safeguarding Statement
- 2 The Designated Liaison Person (DLP) is Michael McMahon
- 3 The Deputy Designated Liaison Person (Deputy DLP) is John Hegarty
- 4 The Board of Management recognises that child protection and welfare considerations permeate all aspects of school life and must be reflected in all of the school's policies, procedures, practices and activities. In its policies, procedures, practices and activities, the school will adhere to the following principles of best practice in child protection and welfare:

The school will:

- recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations;
- fully comply with its statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children;
- fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters
- adopt safe practices to minimise the possibility of harm or accidents happening to children and protect workers from the necessity to take unnecessary risks that may leave themselves open to accusations of abuse or neglect;
- develop a practice of openness with parents and encourage parental involvement in the education of their children; and
- fully respect confidentiality requirements in dealing with child protection matters.

The school will also adhere to the above principles in relation to any adult pupil with a special vulnerability.

- 5 The following procedures/measures are in place:
  - In relation to 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 attending the school, the school adheres to the relevant procedures set out in Chapter 7 of the Child Protection Procedures for Primary and Post-Primary Schools 2017 (See Appendix 1 and 3) and to the relevant agreed disciplinary procedures for school staff which are published on the DES website.
  - In relation to the selection or recruitment of staff and their suitability to work with children, the school adheres to the statutory vetting requirements of the National Vetting Bureau (Children and

Vulnerable Persons) Acts 2012 to 2016 and to the wider duty of care guidance set out in relevant Garda vetting and recruitment circulars published by the DES and available on the DES website.

- In relation to the provision of information and, where necessary, instruction and training, to staff in respect of the identification of the occurrence of harm (as defined in the 2015 Act) the school-
    - Has provided each member of staff with a copy of the school's Child Safeguarding Statement
    - Ensures all new staff are provided with a copy of the school's Child Safeguarding Statement
    - Encourages staff to avail of relevant training
    - Encourages Board of Management members to avail of relevant training
    - The Board of Management maintains records of all staff and Board member training
  - In relation to reporting of child protection concerns to Tusla, all school personnel are required to adhere to the procedures set out in the Child Protection Procedures for Primary and Post-Primary Schools 2017, including in the case of registered teachers, those in relation to mandated reporting under the Children First Act 2015.
  - In this school the Board has appointed the abovenamed DLP as the "relevant person" (as defined in the Children First Act 2015) to be the first point of contact in respect of the child safeguarding statement.
  - All registered teachers employed by the school are mandated persons under the Children First Act 2015.
  - In accordance with the Children First Act 2015, the Board has carried out an assessment of any potential for harm to a child while attending the school or participating in school activities. A written assessment setting out the areas of risk identified and the school's procedures for managing those risks is attached as an appendix to these procedures.
  - The various procedures referred to in this Statement can be accessed via the school's website, the DES website or will be made available on request by the school.
- 6 This statement has been published on the school's website and has been provided to all members of school personnel, the Parents' Association (if any) and the patron. It is readily accessible to parents and guardians on request. A copy of this Statement will be made available to Tusla and the Department if requested.
- 7 This Child Safeguarding Statement will be reviewed annually or as soon as practicable after there has been a material change in any matter to which this statement refers.

This Child Safeguarding Statement was adopted by the Board of Management on \_\_\_\_\_ [date].

Signed: \_\_\_\_\_

Chairperson of Board of Management

Signed: \_\_\_\_\_

Principal/Secretary to the Board of Management

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Checklist for Review of the Child Safeguarding Statement

The Board of Management undertakes a review of its Child Safeguarding Statement utilising the following checklist. The review is completed every year or as soon as practicable after there has been a material change in any matter to which the Child Safeguarding Statement refers. Undertaking an annual review ensures that a school also meets its statutory obligation under section 11(8) of the Children First Act 2015, to review its Child Safeguarding Statement every two years.

The checklist is an aid to conducting this review and is not intended as an exhaustive list of the issues to be considered.

The Board of Management also assesses relevant school policies, procedures, practices and activities vis a vis their adherence to the principles of best practice in child protection and welfare as set out in the school's Child Safeguarding Statement, the Children First Act 2015 and the *Child Protection Procedures for Primary and Post-Primary Schools 2017*.

The result of the **2019** review is as follows:

	Yes/No
1. Has the Board formally adopted a Child Safeguarding Statement in accordance with the 'Child Protection Procedures for Primary and Post Primary Schools 2017'?	Yes
2. As part of the school's Child Safeguarding Statement, has the Board formally adopted, without modification, the 'Child Protection Procedures for Primary and Post Primary Schools 2017'?	Yes
3. Does the school's Child Safeguarding Statement include a written assessment of risk as required under the Children First Act 2015?	Yes
4. Has the Board reviewed and updated where necessary the written assessment of risk as part of this overall review?	Yes
5. Has the DLP attended available child protection training?	Yes
6. Has the Deputy DLP attended available child protection training?	Yes
7. Have any members of the Board attended child protection training?	Yes
8. Are there both a DLP and a Deputy DLP currently appointed?	Yes
9. Are the relevant contact details (Tusla and An Garda Síochána) to hand?	Yes
10. Has the Board arrangements in place to communicate the school's Child Safeguarding Statement to new school personnel?	Yes
11. Is the Board satisfied that all school personnel have been made aware of their responsibilities under the 'Child Protection Procedures for Primary and Post Primary Schools 2017' and the Children First Act 2015?	Yes
12. Has the Board received a Principal's Child Protection Oversight Report at each Board meeting held since the last review was undertaken?	Yes
13. Since the Board's last review, was the Board informed of any child protection reports made to Tusla/An Garda Síochána by the DLP?	No
14. Since the Board's last review, was the Board informed of any cases where the DLP sought advice from Tusla/and as a result of this advice, no report to the HSE was made?	No
15. Since the Board's last review, was the Board informed of any cases where an allegation of abuse or neglect was made against any member of school personnel?	No
16. Has the Board been provided with and reviewed all documents relevant to the Principal's Child Protection Oversight Report?	N/A
17. Is the Board satisfied that the child protection procedures in relation to the making of reports to Tusla/An Garda Síochána were appropriately followed in each case	N/A

	Yes/No
reviewed?	
18. Is the Board satisfied that, since the last review, all appropriate actions are being or have been taken in respect of any member of school personnel against whom an allegation of abuse or neglect has been made?*	N/A
19. Were child protection matters reported to the Board appropriately recorded in the Board minutes?	Yes
20. Is the Board satisfied that all records relating to child protection are appropriately filed and stored securely?	Yes
21. Has the Board been notified by any parent in relation to that parent not receiving the standard notification required under section 5.6 of the 'Child Protection Procedures for Primary and Post Primary Schools 2017'	No
22. In relation to any cases identified at question 21 above, has the Board ensured that any notifications required section 5.6 of the 'Child Protection Procedures for Primary and Post Primary Schools 2017' were subsequently issued by the DLP?	N/A
23. Has the Board ensured that the Parents' Association (if any), has been provided with the school's Child Safeguarding Statement?	Yes
24. Has the Board ensured that the patron has been provided with the school's Child Safeguarding Statement?	Yes
25. Has the Board ensured that the school's Child Safeguarding Statement is available to parents on request?	Yes
26. Has the Board ensured that the Stay Safe programme is implemented in full in the school? (applies to primary schools)	N/A
27. Has the Board ensured that the Wellbeing Programme for Junior Cycle students is implemented in full in the school? (applies to post- primary schools)	Yes
28. Has the Board ensured that the SPHE curriculum is implemented in full in the school?	Yes
29. Is the Board satisfied that the statutory requirements for Garda Vetting have been met in respect of all school personnel (employees and volunteers)? *	Yes
30. Is the Board satisfied that the Department's requirements in relation to the provision of a child protection related statutory declaration and associated form of undertaking have been met in respect of persons appointed to teaching and non-teaching positions?*	Yes
31. Is the Board satisfied that, from a child protection perspective, thorough recruitment and selection procedures are applied by the school in relation to all school personnel (employees and volunteers)?*	Yes
32. Has the Board considered and addressed any complaints or suggestions for improvements regarding the school's Child Safeguarding Statement?	No
33. Has the Board sought the feedback of parents in relation to the school's compliance with the requirements of the child safeguarding requirements of the 'Child Protection Procedures for Primary and Post Primary Schools 2017'	No
34. Has the Board sought the feedback of pupils in relation to the school's child safeguarding arrangements?	No
35. Is the Board satisfied that the 'Child Protection Procedures for Primary and Post Primary Schools 2017' are being fully and adequately implemented by the school?	Yes
36. Has the Board identified any aspects of the school's Child Safeguarding Statement and/or its implementation that require further improvement?	Yes
37. Has the Board put in place an action plan containing appropriate timelines to address those aspects of the school's Child Safeguarding Statement and/or its implementation that have been identified as requiring further improvement ?	Yes
38. Has the Board ensured that any areas for improvement that that were identified in any previous review of the school's Child Safeguarding Statement have been adequately addressed?	Yes

\*In schools where the ETB is the employer the responsibility for meeting the employer's requirements rests with the ETB concerned. In such cases, this question should be completed following consultation with the ETB.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Chairperson, Board of Management

Signed \_\_\_\_\_ Date \_\_\_\_\_

Principal/Secretary to the Board of Management

## Notification regarding the Board of Management's review of the Child Safeguarding Statement

To: The Parents' Council, Coláiste Éamonn Rís

The Board of Management of Coláiste Éamonn Rís wishes to inform you that:

- The Board of Management's annual review of the school's Child Safeguarding Statement was completed at the Board meeting of Tuesday 26<sup>th</sup> March 2019.
- This review was conducted in accordance with the "Checklist for Review of the Child Safeguarding Statement" published on the Department's 'website [www.education.ie](http://www.education.ie)

Signed \_\_\_\_\_ Date \_\_\_\_\_

Chairperson, Board of Management

Signed \_\_\_\_\_ Date \_\_\_\_\_

Principal/Secretary to the Board of Management

## **Appendix 1**

### **Excerpt from chapter 7 of the “*Child Protection Procedures for Primary and Post-Primary Schools 2017*”**

It is important to note that there are two procedures to be followed:

- (a) the reporting procedure in respect of the allegation/suspicion;
- (b) the procedure for dealing with the employee.

In general the same person shall not have responsibility for dealing with the reporting issue and the employment issue. The designated liaison person (DLP) is responsible for reporting the matter to Tusla while the employer is responsible for addressing the employment issues. However, where the allegation/suspicion relates to the DLP, the employer shall assume the responsibility for seeking advice from and/or for reporting the matter to Tusla, as appropriate.

**7.1.4** Where an allegation or suspicion of child abuse regarding a member of the board of management has been reported by the DLP (or employer as above) 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.

**7.1.5** In the context of allegations or suspicions of child abuse regarding school employees the primary goal is to protect the children within the school. However, school employees can be subject to erroneous or malicious allegations. The employee shall be treated fairly which includes the right not to be judged in advance of a full and fair process and as applicable, in accordance with the relevant disciplinary procedures. The Employee Assistance and Wellbeing Programme for Teachers and Special Needs Assistants also continues to be available to offer assistance to teachers and special needs assistants.

**7.1.6** At all stages it should be remembered that the first priority is to ensure that no child is exposed to unnecessary risk. The employer shall as a matter of urgency ensure that any necessary protective measures are taken, including where there is an urgent child safeguarding requirement to immediately absent an employee from the school.

## **7.2 Protocol authorising immediate action.**

**7.2.1** Employers must have in place a written protocol for authorising immediate action (see Appendix 3 – Protocol authorising immediate action - Child Protection Procedures for Primary and Post-Primary Schools 2017) 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.

**7.2.2** The guiding principle that must inform this protocol and its application is that the protection and welfare of children is of paramount importance, regardless of all other considerations. Keeping children safe in these circumstances means that the protocol will inevitably have to be activated immediately and without waiting to convene a board of management meeting or the receipt of legal advice. It is also very important to note that the actions under the protocol are intended to be precautionary and not disciplinary.

**7.2.3** However once the safeguarding action of absencing the employee under the protocol has been put in place, the following shall apply - 57

- (a) An emergency meeting of the board of management shall be convened
- (b) Tusla shall be informed that the protocol has been operated and that the employee will be absent from the school pending an emergency meeting of the board of management. This may be done in tandem with the reporting of the allegation or if necessary by way of a separate notification to Tusla.
- (c) Where the Department is paymaster, the Department shall also immediately be contacted with regard to seeking the Department's:

1. formal approval for continuation of pay for a limited period to allow for the convening of the emergency board of management meeting, and
2. sanction for the employment of a substitute teacher where this is necessary for a limited period to allow for the convening of the emergency board of management meeting

### **Follow up emergency meeting of the Board**

**7.2.4** Following the activation of the protocol, an emergency meeting of the board of management shall be convened at which the board will have to consider formally placing the employee on administrative leave and proceeding within the disciplinary process in accordance with the relevant principles and procedures therein including those related to due process and fair procedures. Where an allegation of child abuse against a member of teaching staff is being dealt with under the disciplinary procedures for teachers, it shall be dealt with under the conduct stream of those procedures.

**7.2.5** Employers should note that legal advice should always be sought in these cases as circumstances can vary from one case to another and it is not possible in these procedures to address every scenario.

**7.2.6** Any action taken by the employer in this regard shall be taken having regard to legal advice received and shall comply, as applicable, with the relevant provisions of employment legislation and relevant disciplinary procedures. The principles of natural justice and fair procedures shall be applied. A decision to place an employee on administrative leave does not imply any degree of guilt on the part of the school employee.

**7.2.7** Immediately after the emergency meeting of the board of management, Tusla shall be informed as to whether the employee has been formally placed on administrative leave or where it has been decided not to place the employee on administrative leave, Tusla shall be informed as to the alternative child safeguarding actions that have been taken.

**7.2.8** Where the Department is the paymaster, the Department shall be immediately informed of the decision of the board of management in relation to confirming the action taken under the protocol for immediate action and formally placing the employee on administrative leave and where the employee has been placed on administrative leave the board shall seek the Department's:

(a) formal approval for the continuation of pay and

(b) sanction for the employment of a substitute teacher where this is necessary

### **7.3 Reporting procedure**

**7.3.1** Where an allegation of abuse is made against a school employee, the DLP shall immediately act in accordance with the procedures outlined in chapter 5 of these procedures.

**7.3.2** Once a disclosure is made by a child, a written record of the disclosure shall be made as soon as possible by the person receiving it. If a child wishes to make a written statement this should be allowed. Where an allegation of abuse is made by an adult, a written statement should be sought from this person. The ability of Tusla or the employer to assess suspicions or allegations of abuse will depend on the amount and quality of information conveyed to them.

**7.3.3** School employees, other than the DLP, who receive allegations of abuse against another school employee, shall report the matter without delay to the DLP as outlined in section 5.1 of these procedures. Registered teachers shall also follow the reporting procedures at 5.2 of these procedures. The DLP shall follow the relevant procedures outlined in chapter 5 of these procedures.

**7.3.4** Where the allegation or concern relates to the DLP, the school employee shall, without delay, report the matter to the Chairperson of the board of management or in schools where the ETB is the employer to the Chief Executive of the ETB concerned. In such cases, the Chairperson or Chief Executive as appropriate shall assume the role normally undertaken by the DLP and shall follow the relevant procedures set out in chapter 5 for dealing with the allegation or concern. 59

**7.3.5** School employees who form suspicions regarding the conduct of another employee of the school shall follow the procedures in chapter 5 and consult with the DLP who may wish to consult with Tusla. If the DLP is satisfied that there are reasonable grounds for the suspicion, he or she shall report the matter to Tusla immediately, and where applicable the report shall be submitted as a mandated report or a joint mandated report. Registered teachers shall also follow the procedures at section 5.2 of these procedures, including where appropriate those relating to mandated reports and joint mandated reports. The DLP shall also report the matter to the employer who shall proceed in accordance with the procedures outlined in this chapter.

**7.3.6** Whether or not the matter is being reported to Tusla, the DLP shall always inform the employer of an allegation of abuse against a school employee.

Where the DLP has not reported an allegation of abuse against a school employee to Tusla and has not sought any advice from Tusla in relation to whether or not the matter should be reported or where the DLP has not reported the matter to Tusla where advised by Tusla that the matter should be reported, the board of management shall seek the advice of Tusla in relation to the matter and shall report that matter where Tusla so advises. The Chairperson shall seek such advice on behalf of the board of management.

Where the board of management has not complied with the procedures in this section and has not reported a matter to Tusla where Tusla has advised that such a report should be made, it shall notify the school patron in writing of this fact.

#### **7.4 Action to be taken by the employer**

**7.4.1** It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee shall not be disclosed, other than as required under the procedures within this document.

**7.4.2** When an employer becomes aware of an allegation of abuse against a school employee, the employer shall arrange to privately inform the employee of the following:

- (a) the fact that an allegation has been made against him or her;
- (b) the nature of the allegation;
- c) whether or not the matter has been reported to Tusla (either by the DLP, employer, or otherwise).

**7.4.3** The employee shall be given a copy of the written record and/or allegation, and any other related documentation while ensuring that appropriate measures are in place to protect the child.

**7.4.4** Once the matter has been reported to Tusla the employee shall be offered the opportunity to respond to the allegation in writing to the employer within a specified period of time. The employee shall be told that his or her explanation to the employer would also have to be passed on to Tusla. The employee may opt not to respond at this juncture.

**7.4.5** Any actions in relation to the employee, including whether he or she shall be placed on administrative leave while the matter is being investigated, are exclusively a matter for the employer.

**7.4.6** The employer shall maintain regular and close liaison with Tusla or An Garda Síochána and a decision on the position of the school employee shall be taken having due regard to any information given to the employer by these authorities. The employer shall also keep Tusla informed of any child safeguarding actions it has taken or proposes to take in respect of the employee.

**7.4.7** Where an employee has been directed to absent himself or herself from the school, such an absence does not imply any degree of guilt on the part of the school employee. Where the Department is paymaster and such an absence is directed (whether under the protocol for immediate action or by a decision of the board of management to place the employee on administrative leave (taken at an emergency meeting or otherwise)), the Department of Education and Skills shall immediately be contacted with regard to:

- (a) formal approval for continuation of pay for the relevant period, and
- (b) Departmental sanction for the employment of a substitute teacher where necessary for the relevant period.

**7.4.8** Employers are reminded of their responsibilities to maintain strict confidentiality about all matters relating to these issues. The relevant principles of due process, fair procedures and natural justice shall be adhered to by the employer. 61

**7.4.9** Any information or details that might identify a child should not be recorded in the minutes of board of management meetings. Board of management members are also reminded of their duty to maintain the confidentiality of board meetings and must not disclose or discuss matters discussed at board meetings unless explicitly authorised by the board of management to do so. A board member who breaches this requirement may be removed from the board of management by the patron in accordance with the relevant provisions of section 16 of the Education Act, 1998 and may not be protected in any legal proceedings taken against him or her by the general indemnity provided to board of management members under section 14(7) of the Education Act, 1998.

**7.4.10** It should be noted that any actions taken by the employer in respect of the employee including disciplinary proceedings are a matter between the employer and employee in question and must be handled in the strictest confidence. This means that a third party or the person who made the allegation does not have a role in those proceedings, save for the provision of information to any investigation undertaken by the employer or the giving of evidence in a disciplinary hearing where this is applicable, and such person does not have any entitlement to information regarding the progress or conduct of such investigations or proceedings. Similarly the Department or the school patron has no role in employer/employee matters.

#### **7.5 Further follow-up required**

Employers should note the following when considering the further actions to be taken-

(a) Legal advice should always be taken in relation to any proposed actions in respect of the employee. The employer shall have regard to the legal advice received and to its obligations to afford fair procedures to its employee.

(b) Any disciplinary action required shall accord with established disciplinary procedures and shall only be taken following consultation with Tusla (and An Garda Síochána) if involved.

(c) Depending on the circumstances, Tusla may be restricted in relation to the information it may share with the employer. Accordingly, in certain circumstances, it may be necessary for the employer to call a child, parent or other adult to give evidence and for the child, parent or other adult to be cross-examined as part of a disciplinary hearing. It should be noted, however, that an employer does not have the power to compel such a person to give

evidence as part of a disciplinary process. In any case where a child is to give such evidence, the child shall be treated with the utmost care and sensitivity. (Section 7.6 provides more information in relation to the information that may or may not be shared with the school employer by Tusla.)

(d) Whilst the employer has the right to conduct its own disciplinary investigation in accordance with the relevant employee disciplinary procedures independent of any Tusla assessment or An Garda Síochána investigation, nonetheless the employer shall have due regard to the following:

(1) The employer should take care to ensure that actions taken do not undermine or frustrate any assessment/investigation being conducted by Tusla or An Garda Síochána. It is strongly recommended that the employer maintain a close liaison with these authorities to achieve this and take legal advice in relation to same.

(2) Where a report to Tusla has been made in respect of an employee, it should not be assumed that disciplinary proceedings must always await the conclusion of a Tusla assessment or An Garda Síochána investigation. In this regard, the employer should always take legal advice as to whether disciplinary proceedings should proceed or be stayed pending the conclusion of the Tusla assessment/An Garda Síochána investigation and make a decision on whether or not to proceed with disciplinary proceedings in light of that advice.

(3) A decision to stay disciplinary proceedings pending the outcome of any Tusla assessment and the reasons for that decision should be communicated to the employee. This communication should make clear that the employer reserves the right to continue disciplinary proceedings at a later point or once the Tusla assessment/An Garda Síochána investigation is complete irrespective of the outcome of that assessment/investigation. It should also indicate that the employer may have regard to the outcome of any such assessment/investigation in deciding what, if any, disciplinary action to take.

(4) In any case where it is proposed to continue with disciplinary proceedings, that proposal should be communicated to the employee. Should the employee object to that proposal,

the employer should have regard to the basis for that objection before deciding on whether or not to proceed with disciplinary proceedings. The employer should take legal advice before making such a decision. Regard must also be had to not only the obligation not to frustrate the Tusla assessment, but to afford fair procedures to the employee.

(5) If a decision is made to stay disciplinary proceedings pending the outcome of a Tusla assessment or an An Garda Síochána investigation, the employee should be kept up-to-date on the progress of the Tusla assessment/Garda investigation (insofar as this is possible). In the event that the employee has been directed to be absent from work, the necessity for the employee to remain absent from work should also be kept under review, in consultation with Tusla and having regard to legal advice.

## Appendix 2

### Coláiste Éamonn Rís Child Safeguarding Procedures and Protocols

In accordance with section 11 of the Children First Act 2015 and the requirements of Chapter 8 of the *Child Protection Procedures for Primary and Post-Primary Schools 2017*, and in accordance with the Code of Professional Conduct for Teachers (updated 2<sup>nd</sup> edition 2016-**see Appendix A**) published by the Teaching Council, the following are the areas of risk identified with the associated procedures/protocols to be followed by all school personnel of Coláiste Éamonn Rís Wexford.

#### ❖ Supervision of children-

Students are supervised from 8:45am to 4:15pm Monday to Thursday. Small break is supervised from 11:10am until 11:20am. Lunch time runs from 12:45pm-1:45pm. On Friday supervision after school is from 3:15pm to 3:30pm.

With the change in the school timetable for the **2019-2020** school year and thereafter, the following changes will occur to the supervision rota:

- On **Monday**-  
Supervision will commence at 8:30am.  
  
Break will occur at 10:50am - 11am.  
  
Lunch will be from 1:00pm - 1:45pm.  
  
After school supervision from 3:45pm to 4pm.
- On **Tuesday to Friday** the following supervision times will operate:  
Supervision commences at 8:30am.  
  
Break will occur at 10:50am to 11am.  
  
Lunch from 1:10pm- 1:55pm.  
  
After school supervision from 3:15pm to 3:30pm.

The supervision Rota will be adhered to by the relevant teachers and staff. Supervision will be covered in the various designated zones around the school. Staff will ensure that the areas around the toilets are supervised. If any issue with students (medical or misbehaviour) occurs inside the toilets, at least two staff members will be required where possible to deal with the situation.

- ❖ **School outings/activities** - For any school related activities for students that take place outside the school, accompanying staff members must continue to adhere fully to the Child Safeguarding procedures. Staff will make all reasonable efforts to ensure that a member of staff will never be left on his/her own with a student during trips/activities away from school. The following is a list of current school activities:

- Sporting
- School outings
- School trips involving overnight stay\*
- School trips involving foreign travel\*

- \* For any overnight trips with students whether in Ireland or abroad, a written '**Consent form for Trips**' must be signed by a parent or guardian. *(see attached sample in appendix)*. A medical history of the student is recorded on this form as well as parent/guardian contact details. These details of medical issues and phone numbers are brought on the trip by the teachers. For any overnight trip a form '**Rules when on overnight trips**' must be signed by both student and parent/guardian.
- \* In the event of a behavioural issue arising with a student on an overnight trip the Code of Behaviour for the school will be adhered to.
- \* In the event of a medical issue arising for a student on an overnight trip the following procedure will be adhered to:
  - refer to medical history of student;
  - ideally 2 members of staff will be present;
  - carry out any appropriate First Aid procedures;
  - contact parent to inform them of the medical issue;
  - on return to school the event will be written up in the 'Incident book'.

❖ **Codes of conduct for school personnel (teaching and non- teaching staff).**

All school personnel will ensure the safeguarding of students against any form of neglect or physical/emotional/sexual abuse.

In compliance with the '*Code of Professional Conduct for Teachers- updated 2<sup>nd</sup> Edition 2016*', at Coláiste Éamonn Rís Wexford, all teaching staff are committed to equality and inclusion and respecting and accommodating diversity including those differences arising from gender, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, membership of the traveller community or socio-economic status and any other further grounds as may be included in equality legislation in the future. All teachers must adhere to the professional standards set out in the *Code of Professional Conduct for Teachers*.

❖ **Intimate care in respect of students who require such care-**

When/where, a student needs intimate care, at least two members of staff will be present where possible.

❖ **The administration of medication to pupils-**

- Where a student is in need of the administration of medication at least two members of staff should be present. Any medication administered must be recorded in the 'Incident Book' which is located in the secretary's office and parents/guardians should be informed by the relevant staff member.
- A list of students with medical issues is located in reception and in the Deputy Principal's office. This list is updated when the school year commences and all staff are made aware of each student on the list at the first staff meeting of the year.
- A list of qualified CPR and AED facilitators is located above the defibrillator in the front reception area. A defibrillator is also located in the gym with the accompanying list of trained personnel.
- If an incident arises where a student is in need of medical care the parents/guardians must be informed of the incident immediately and requested to collect their son.
- If an incident arises where a student is in need of **urgent** medical care requiring medical intervention, an ambulance should be called or the student brought to a doctor or hospital by two members of staff where possible. The incident must be recorded in the 'Incident Book' located in the secretary's

office. In the event of a second adult not being available to accompany the student, the staff member accompanying the student requiring care should bring at least two other students with him/her having regard to the best interests of all students present. The parents/ guardians must be informed of the incident as soon as practicable.

#### ❖ The administration of First Aid

- First aid means, in accordance with the Guide to the Safety, Health and Welfare at Work Regulations 2007,  
*‘in a case where a person requires treatment from a registered medical practitioner or a registered general nurse, treatment for the purpose of preserving life or minimizing the consequences of injury or illness until the services of a practitioner or nurse are obtained’.*

Any student requiring First Aid will, where practicable, have at least two members of staff present with one of the staff having qualifications in First Aid. Any such occurrence will be recorded in the ‘Incident Book’ located in the secretary’s office by one of the staff present at the occurrence.

Special care will be taken to ensure areas of potential higher risk e.g. science labs, gym, woodwork rooms, will be stocked with appropriate first aid kits. First aid kit bags are available to sports team mentors and a further first aid kit is available in reception.

#### ❖ Staff Training

All staff and board members are required to undertake appropriate child protection training. All staff and board members will have completed the PDST e-learning on Child Protection Procedures and the *Children First e-learning Programme* facilitated by Tusla.

Any new members of staff will be required to provide confirmation that they have completed the required child safeguarding training and submit relevant certs to the Child Protection Co-ordinator.

All registered teachers employed by the school are mandated persons under the Children

First Act 2-15.

In relation to the provision of information and, where necessary, instruction and training, to staff in respect of the identification of the occurrence of harm (as defined in the 2015 Act) the school-

- Has provided each member of staff with a copy of the schools' Child Safeguarding Statement
- Ensures all new staff are provided with a copy of the schools' Child Safeguarding Statement
- Encourages staff to avail of relevant training
- The Child Protection Co-ordinator maintains records of all staff and Board member training.

❖ **Recording of all Child Protection training for staff and board members.**

Certs of completion of the Tusla Children First child protection training module are retained in the 'Child Protection' cabinet in the staffroom. Staff and board members are required to provide confirmation also that they have completed the PDST child protection training module.

❖ **A Home School Liaison procedure**

- In instances where the Home School Liaison officer is visiting schools gathering information, he/she will adhere to the procedures of the 'Schools Safeguarding Statement and Child Protection Policies'

❖ **The use of external persons to supplement and deliver the curriculum.**

When an external person is delivering part of the curriculum he/she will be required to sign in at reception and be issued with a visitor ID badge which he/she will keep visible throughout their time in the school. The person's contact with students will be risk assessed and managed to ensure student safety with a view to ensuring maximum educational benefit. Where practicable, external persons should be Garda Vetted and if not, should be accompanied by a staff member at all times.

#### ❖ External sports coaches, external workshop facilitators etc.

In Coláiste Éamonn Rís, we are committed to creating and maintaining the safest possible environment for all young people who wish to participate in sports and activities. The school ensures, with the monitoring of the Child Protection Co-ordinator, that all coaches adhere to the Child Safeguarding Statement. The school ensures that all practicable steps are taken to protect students from discernable forms of abuse - from harm, discrimination or degrading treatment and respects their rights, wishes and feelings. This is achieved by:

- Recognising that all children have the right to be protected from harm.
- Ensuring that all of our coaches are carefully recruited and selected and that they accept responsibility for ensuring the wellbeing of children in their care. All coaches must be Garda Vetted.
- Providing parents and children with the opportunity to voice any concerns that they may have. This is done by ensuring that students and parents/guardians are aware of their right to express concerns directly, or through any member of staff, to the school's DLP or, in his absence, the Deputy DLP.

#### ❖ Gym/ changing facilities-

- Students are not allowed to have a phone turned 'ON' in the changing rooms. All phones must be turned off and kept in the school bag or locker during all periods of PE/ training sessions
- A first aid kit and first aid kit bag are located in the office in the GYM. Any incidents that occur in the gym must be recorded in the 'Incident Book' located in the secretary's office.
- Students from the ASD Unit who do not feel comfortable changing with their class group may change in an area located in the Unit.
- Students are not permitted in the gym at break times, unless under supervision.
- Students are not permitted in the upstairs weights room unless under supervision. A teacher or qualified authorised coach must be present if a student is using the weights room.
- Students are not permitted to use gym toilets unless participating in supervised activities in that area.

- Student groups are not permitted to use the Gym facilities, for example for a free class or Meitheal programmes, unless cleared with the PE Department and are supervised by a staff member.

❖ **One to one teaching activities readers and scribe, oral tests.**

When a teacher is on a one-to-one basis with a student, all safeguarding procedures must be adhered to in the best interests of both student and teacher. Teachers must make themselves and the student visible to/from the corridor at all times. This can be achieved by allowing the door to be ajar or by moving furniture if necessary so that they can be seen through the glass panel.

❖ **Running of State Examinations**

During the State Exams any persons employed to supervise or assist in the exams must be Garda Vetted and adhere to the School Safeguarding Statement and procedures. Scribes and readers must ensure that they make themselves and the student visible to/from the corridor at all times.

❖ **One-to-one counselling.**

When a student is undertaking one to one counselling the student must be visible at all times to/from the corridor.

❖ **Student teacher placements**

The Teaching Council's Policy on the Continuum of Teacher Education advocates a role for the profession in supporting student teachers and newly qualified teachers. Any new student teachers to the school must complete the Tusla and PDST child protection training modules. All trainee teachers are provided with a copy of the Child Safeguarding Statement. A record of child protection training undertaken by trainee teachers will be maintained by the schools Child Protection Co-ordinator. A meeting will take place with the Co-ordinator making the student teacher familiar with all the school's child protection procedures.

When a trainee teacher is taking a class or classes, the timetabled teacher must remain available on the school premises for the duration of such classes as they retain ultimate responsibility for the class group.

❖ **Students undertaking work experience either through the TY Programme or LCVP.**

Good preparation and organisation of placements is essential if these opportunities are to be rewarding and safe introductions to the world of work. Through health and safety education, students will develop a set of safe behaviours. The following procedures are put in place to safeguard our students while undertaking work experience,

- Information from the employer will be collected prior to the commencement of the work experience such as;
  - occupation;
  - type of work the student will be asked to carry out;
  - details of safety precautions that will be put in place, including supervision/monitoring of the student when participating in work experience;
- In cases where the parent/ student have arranged their own work experience placement, the school should still ascertain the same information as that set out above.
- The teacher responsible for arranging the work experience program in the school should be satisfied with the above information before confirming a placement with the student and the employer.
- When an employer confirms agreement to facilitate a student on work experience, the school will send a letter to the employer explaining the student's reason for undertaking the experience along with insurance details and the schools Child's Protection Policy
- A work experience consent form is sent to parents for signature and return to the school prior to the work experience commencing.
- The students will have been briefed on the following:
  - the aims of the work placement;
  - his responsibility while on work placement;
  - the types of activities he should not partake in;
  - the procedures to follow should he encounter any difficulties while on work placement.

Health and Safety Legislation is in place to protect workers (this includes students on work experience) or those who may be affected by work activities. The safety, health and welfare of workers are covered principally by the Safety, Health and Welfare at Work Act 2005; the Safety, Health and Welfare at Work (General Application) Regulations 2007; and the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007. These laws place general duties of care on employers, the self-employed and employees.

#### ❖ **Students who are attached to the ASD Unit in the school.**

In dealing with any student who is attached to the ASD Unit in the school, all child safety procedures and protocols must be followed by all members of staff in the Unit. A room is available to students of the Unit if they do not feel comfortable changing in front of other students during PE classes or training. SNA staff are required to adhere to all of the child safety procedures in place in the school.

#### ❖ **Exchange students to the school**

Visiting students and/or staff must comply with the child protection and safeguarding policies of the school which will be made known to them on arrival in the school.

Families hosting visiting students must ensure the protection and safeguarding of the students. All host families must be Garda Vetted.

- **German Exchange**

The school, in conjunction with the Loreto Secondary School Wexford, is involved in a student exchange programme with Sankt Ursula Schule (Realschule and Gymnasium) in Germany. The school (Sankt Ursula's) vouches for the bona fides of all staff and host families participating in this exchange programme.

- **American exchange**

The school participates in an exchange programme with Iona Prep in New Rochelle, New York. The school has a 'New Hire and Coaches Process' which includes the complete background check and attendance at a Virtus Session. Adults over 18 living in host families also have a background check carried out. A copy of the Iona Prep form used is attached. **(As Appendix B)**

#### ❖ **Meitheal Programme.**

If sixth year Meitheal Leaders wish to take a group of first-years for a class or other activity, the following procedure must be adhered to:

- Meitheal Leaders seek and obtain permission from the relevant subject teacher at least a day in advance;
- The class teacher remains with the Meitheal Leaders and first-years throughout the class period in a supervisory capacity.

#### ❖ **Study**

All students who attend study must abide by the rules and regulations that are set out in the study contract that must be signed by the student. A maximum number of 70 students are allowed in study at any time. Any student who does not follow the

rules/ breaks the contract will not be allowed to return to study and will forfeit the study fees.

❖ **Cleaners**

Cleaners to the school must be Garda Vetted. They are on the premises during school hours and during the hours of study when students are still in the establishment.

❖ **Parents' Council**

Members of the Parents' Council must be Garda Vetted who have dealings with students, for example the distribution of lockers on the first day in school after the summer holidays, must be Garda vetted.

❖ **Visitors to the School**

Any visitor to the school is required to sign the '*Sign in Book for Visitors*' located at front reception. The purpose of the visit must be recorded in addition to the name of the visitor. Each visitor is given a name badge which must be worn during the visit and returned to reception on leaving the premises.

## **Appendix 3**

### **Protocol authorising immediate action**

The following protocol authorises immediate action under section 7.2 of the 'Child Protection Procedures for Primary and Post Primary Schools 2017'.

### **Post-Primary schools and primary schools under the patronage of an ETB**

(A) 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.

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.

(B) In the case of a school or college under the aegis of ETB, the decision to absent an employee in the circumstances outlined at (A) above will be taken by the Chief Executive of the ETB or a person to whom this authority has been delegated.

