An Roinn Oideachais
agus Óige
Department of Education
and Youth

Child Protection Procedures for Schools 2025



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Foreword from Minister Helen McEntee TD

The protection and welfare of children is of paramount importance for every school, and I am very pleased to launch these updated Child Protection Procedures for Schools 2025.

The obligations and responsibilities which arise from child protection procedures are taken very seriously by our schools and there is a very strong culture of child protection across the school sector.

These updated procedures build on the previous Child Protection Procedures for Primary and Post-Primary Schools 2017 (updated 2023) and take account of the statutory obligations under the Children First Act, 2015 and the Children First: National Guidance for the Protection and Welfare of Children 2017.

As in the earlier procedures, these procedures set out requirements to ensure that reporting procedures in line with Children First are in place and that school personnel know how to recognise and report alleged child protection concerns, and that parents/guardians and all school personnel are aware of the school's child protection and safeguarding procedures. The procedures provide for the development of a child safeguarding statement (which includes a risk assessment), and appointment of a designated liaison person and deputy designated liaison person.

In addition, these procedures outline new requirements set out in the Addendum to Children First Guidelines (2025) around requirements to report retrospective abuse, take account of new legislation in place since the last update of the procedures, and provide guidance on communicating with parents and on record keeping.

These updated Child Protection Procedures 2025 have been published following extensive consultation with the education partners and I would like to express my sincere thanks to the education partners and all those involved in the development of the revisions to the procedures.

Glossary of Terms

Agency	In the Children First Act 2015 "agency" refers to the Child and Family Agency (Tusla).
Age of Consent	The age of consent to sexual intercourse is 17 years. It is a criminal offence to engage in, or attempt to engage in, a sexual act with a child under 17 years of age.
Annual review	A review that takes place every calendar year.
Board of Management	Unless otherwise stated, this refers to a board of management established under section 14 of the Education Act 1998. It also includes any person or group appointed by the patron to manage the school on the patron's behalf.
Board meeting	An ordinary meeting of the board of management. There may also be extraordinary or single-item meetings of the board where a Child Protection Oversight Report (CPOR) would not be presented.
Child	A child is any person under 18 years of age, excluding individuals who are or have been married. It is important to note that students over the age of 18 who are still enrolled in school do not fall under this definition.
Child Abuse	Where the words "child abuse" are used in these procedures they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined in Chapter 2 of these procedures and in chapter 2 of *Children First: National Guidance for the Protection and Welfare of Children 2017*.
Child Protection Case File	A dedicated file (kept separate from other cases) with a unique reference number, containing all original, unaltered and unredacted hard copy documents and records relevant to a child protection case.
Child Safeguarding Statement	A written statement prepared in accordance with section 11 of the Children First Act 2015.
Department	In these procedures 'department' refers to the Department of Education and Youth unless the context requires otherwise.
Deputy Designated Liaison Person (DDLP)	The person appointed by the board of management to act as deputy to the Designated Liaison Person (DLP). The DDLP takes on the responsibilities of the DLP when the DLP is unavailable. The role is outlined in Section 4.3.5 of these procedures.
Designated Contact Point	The designated point of contact for the local Tusla Duty Social Work Team. Contact details are available at www.tusla.ie.
Designated Liaison Person (DLP)	The person nominated by the board of management to act as the point of contact for Tusla (the Child and Family Agency), An Garda Síochána, and others in matters relating to child protection concerns or allegations. The role is outlined in Section 4.3.4 of these procedures.

Employee	The term "employee" is used in these procedures as a synonym for "school personnel" (as defined in this glossary). It is used in Chapter 7 of these procedures to reflect the employer-employee relationship.
Employer	The "employer" refers to the appropriate school authority or agent. In primary schools (except those under the patronage of an Education and Training Board), voluntary secondary schools, and community and comprehensive schools, the board of management is the employer. In schools operating under an Education and Training Board (ETB), the ETB is the employer. Throughout these procedures, the term "employer" refers to the board of management or the ETB, as appropriate.
Harm	**"**Harm" in relation to a child has the meaning assigned to it under section 2 of the Children First Act 2015, that is, assault, ill-treatment, neglect of a child that seriously affects or is likely to seriously affect the child's health, development or welfare, or sexual abuse of a child. Harm can result from a single incident or from multiple instances.
Mandated Person	A mandated person means a person specified in Schedule 2 of the Children First Act 2015. This includes all teachers registered with the Teaching Council.
Parent/Carer	The term "parent/carer" refers to a child's parent(s) or carer, as appropriate. It aligns with the definition of "parent" under the Education Act 1998, which includes: a foster parent; a guardian appointed under guardianship legislation; a person acting *in loco parentis* who has care of the child, subject to any statutory power or court order; and in the case of adoption (within or outside the State), the adopter(s) or surviving adopter.
Provider of Relevant Service	A "provider" has the meaning assigned in Section 8 of the Children First Act 2015. All recognised schools fall under this definition.
Record	A "record" refers to information kept in written form or another format that can be stored or filed. It serves as a source of permanent evidence. Examples include emails, written notes, notebook pages, photographs, templates and audio or video recordings. The use of department issued templates will support good record keeping.
Redacted/Anonymised	Relates to the concealing of the identity of the relevant parties referenced above as well as identifying details.
Relevant Parties	In this context, "relevant parties" refers to any individual or group whose identity, if disclosed, might lead to the identification of a child or of a person against whom an allegation has been made.
Relevant Person	A "relevant person" is defined in Section 8 of the Children First Act 2015. This is the person appointed by a provider of a relevant service to act as the first point of contact in relation to the provider's Child Safeguarding Statement. In a school setting, the relevant person is the Designated Liaison Person (DLP).

Relevant Service	A "relevant service" refers to any work or activity listed in Schedule 1 of the Children First Act 2015.
Risk Assessment	A "risk assessment" as defined in the Children First Act 2015 means an assessment of any potential for harm to a child while availing of the provider's service.
School	A "school" means a recognised primary or post-primary school. It also includes centres for education as defined in the Education Act 1998, that are attended by children under the age of 18 years.
School Authority	The term "school authority" refers to the governing body responsible for the management of a recognised school or centre for education. For example, in the case of schools under the patronage of education and training boards (ETBs), the ETB serves as the school authority. For other schools or educational centres, this role is typically fulfilled by the board of management or an equivalent entity.
School Personnel	The term "school personnel" as used in these procedures is a generic term that refers to all adults who are or were involved in the operation of the school. This includes employees and volunteers, board of management members, student teachers and those on work experience. In most cases it refers to a current member of school personnel. Where required, individuals formerly involved in the school's operation will be referred to as "former school personnel".
Student	A student is any child under the age of 18 years who is currently enrolled in and attending a recognised primary or post-primary school or centre of education within the meaning of the Education Act 1998.

Chapter 1: Introduction

The purpose of these procedures is to give direction and guidance to school authorities and school personnel in relation to meeting their statutory obligations under the Children First Act 2015, as well as supporting the continued implementation of the best practice (non-statutory) guidance set out in *Children First: National Guidance for the Protection and Welfare of Children 2017*.

These procedures aim to provide necessary information to school authorities and all school personnel to help them to be alert to and be aware of what to do in situations where there is a concern, suspicion or allegation that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect. This includes registered teachers and other mandated persons as well as members of school personnel who are not mandated persons under Children First, for example special needs assistants, cleaners, caretakers and secretaries. While these procedures are not directed at parents/carers, they may assist parents/carers in understanding the procedures to be followed by schools in relation to child protection.

In all cases, the most important consideration is the protection of children. These procedures emphasise that the safety, well-being and protection of children must always be the priority.

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. These procedures apply to both primary and post-primary schools and replace all previous versions issued.

The procedures were developed following consultation between the Department of Education and Youth, organisations representing school management, parents/carers and teachers, the Department of Children, Disability and Equality (DCDE) and Tusla – Child and Family Agency (hereinafter referred to as Tusla). The procedures take account of the Children First Act 2015, the updated *Children First: National Guidance for the Protection and Welfare of Children 2017* published in 2017 (hereinafter referred to as *Children First National Guidance 2017*), the Addendum to Children First (2019) and the Addendum to Children First (2025).

1.1 Legal Framework

Child welfare and protection policy is based on a legal framework provided primarily by the Child Care Act 1991 and the Children First Act 2015.

The Child Care Act 1991 is the key piece of legislation which regulates childcare policy in Ireland. Under this Act Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection.

1.1.1 The Children First Act 2015

The Children First Act 2015 introduced key statutory child protection measures, some of which are reflected in the *Children First National Guidance 2017*. It provides for a number of key child protection measures that apply to schools and registered teachers including:

- A statutory obligation on schools to keep children safe from harm and to prepare and display a Child Safeguarding Statement.
- A statutory obligation on registered teachers to report child protection concerns at or above a defined threshold to Tusla.
- A statutory obligation on mandated persons to assist Tusla in the assessment of a child protection risk, where requested to do so by Tusla in accordance with the Act.

The Children First Act 2015 operates alongside *Children First: National Guidance for the Protection and Welfare of Children 2017*.*Children First National Guidance 2017* sets out both the statutory obligations under the Act and the best practice (non-statutory) guidance that applies to all schools and all school personnel.

Under Section 17 of the *Children First Act 2015*, it is an offence to disclose information to a third party that was shared by Tusla during the course of an assessment arising from a mandated report, except in accordance with the law or where Tusla has provided written authorisation to do so. A person who fails to comply with this section is guilty of an offence and may be liable to a fine, imprisonment for up to six months, or both.

1.1.2 The Child Care Act 1991

The Child Care Act 1991 is the primary piece of legislation governing childcare policy in Ireland. Under this Act Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection.

If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Act also sets out the statutory framework for taking children into care, if necessary.

1.1.3 Protections for Persons Reporting Child Abuse Act 1998

The Protections for Persons Reporting Child Abuse Act 1998 provides legal protection to anyone who reports suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE), or to members of An Garda Síochána, provided the report is made in good faith and is not malicious.

Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection means that even if a report of suspected child abuse later proven unfounded, a person taking legal action must demonstrate that the report was not made reasonably or in good faith. Additionally, someone who makes a report in good faith and in the best interests of the child may also be protected under common law by the defence of qualified privilege.

The Act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the HSE or to a member of An Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

The full list of persons in Tusla and the HSE who are designated officers under the 1998 Act can be found on the respective websites of each agency (www.tusla.ie and www.hse.ie).

1.1.4 Criminal Justice Act 2006 – Reckless Endangerment

Section 176 of the Criminal Justice Act 2006 created an offence of reckless endangerment of children. This offence may be committed by a person, who has authority or control over a child or an abuser, who intentionally or recklessly endangers the child by:

- Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; *or*
- Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

1.1.5 Criminal Law (Sexual Offences) Act 2017

The Criminal Law (Sexual Offences) Act 2017 addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation.

The Act also establishes offences for actions that may occur in the early stages of predatory behaviour, before any actual exploitation takes place. This includes, for example, using modern technology to target children or making arrangements to meet with a child with the intention of sexually exploiting them.

The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

1.1.6 Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012

Under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 it is a criminal offence to withhold information about a serious offence, including a sexual offence, committed against a person under 18 years of age or a vulnerable person.

This offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and has information that could assist in the arrest, prosecution, or conviction of another person for that offence, but fails—without reasonable excuse—to disclose that information as soon as practicable to a member of An Garda Síochána.

The reporting obligations under this Act are separate from, and additional to, the reporting obligations under the Children First Act 2015 and *Children First National Guidance 2017*. It is therefore important to note:

- The fact that a member of school personnel has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the Children First Act 2015 does not absolve that person of their statutory obligation to disclose information to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 where that person has information that falls within the scope of that Act; *or*
- The fact that a member of school personnel has disclosed information to An Garda Síochána does not absolve that person of their obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of the Children First Act 2015.

The specified offences against children are listed in Schedule 1 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. The specified offences against vulnerable persons are listed in Schedule 2 of that Act.

1.1.7 The Harassment, Harmful Communications and Related Offences Act 2020

The Harassment, Harmful Communications and Related Offences Act 2020, also known as Coco's Law, created two new offences which criminalise the non-consensual distribution of intimate images:

1) It is an offence to distribute or publish intimate images of a person, without consent and with intent to cause harm. Penalties include an unlimited fine and/or 7 years imprisonment.
2) It is an offence to take, distribute or publish intimate images of a person without consent even if there is no specific intent to cause harm. Penalties include a maximum fine of €5,000 and/or 12 months' imprisonment.

This law is in addition to existing legislation which makes it illegal to send, receive or share any sexually explicit images, video or text of someone under 18 years of age. A child under 17 years of age can only be charged with an offence under this particular Act with the consent of the Director of Public Prosecutions.

1.1.8 Online Safety and Media Regulation (OSMR) Act 2022

The Online Safety and Media Regulation (OSMR) Act 2022 is aimed at ensuring safer digital environments and strengthening online content regulation. The Act establishes Coimisiún na Meán, an independent statutory authority responsible for regulating and supervising online services, particularly those accessible to children and young people. Coimisiún na Meán is empowered to develop and enforce binding Online Safety Codes designed to mitigate the risk and harm posed by dangerous or inappropriate content, including cyberbullying, self-harm, violence, and exposure to age-inappropriate materials.

Under the Act schools hold specific responsibilities to ensure compliance and enhance online safety for children. Schools are required to integrate online safety into their child protection procedures, clearly outlining processes to manage incidents involving harmful digital content or cyberbullying. Staff must be trained to recognise signs of online harassment and abuse, and understand the reporting pathways, including escalation through the DLP and onward referral to Tusla or An Garda Síochána, as appropriate.

1.1.9 National Vetting Persons (Children and Vulnerable Persons) Acts 2012 to 2016

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 places statutory obligations on school authorities (other than in certain limited circumstances as set out in the Vetting Act) to obtain a vetting disclosure from the National Vetting Bureau prior to employing, contracting or placing a person to undertake relevant work or activities with children or vulnerable persons or prior to permitting a person to undertake such relevant work or activities on behalf of the school.

The Vetting Act also provides for the statutory retrospective vetting and periodic re-vetting of employees, volunteers and others who undertake relevant work or activities with children or vulnerable persons. It is a criminal offence for a school authority not to comply with its statutory vetting obligations under the Act.

It is important to note that the National Vetting Bureau of An Garda Síochána does not decide on the suitability of any person to work with children or vulnerable persons. Decisions on suitability for such work rest at all times with the relevant school authorities, and the results of vetting should form only one component of the recruitment decision.

Chapter 10 of these procedures contains further information in relation to the requirements for Garda vetting and the need for thorough recruitment procedures from a child protection perspective.

1.1.10 Freedom of Information Act 2014

Reports made to Tusla may be subject to the provisions of the Freedom of Information Act 2014, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Acts also provide that public bodies may refuse access to information obtained by them in confidence.

The exemptions and exclusions which are relevant to child protection include the following:

- Protecting records covered by legal professional privilege.
- Protecting records which would facilitate the commission of a crime.
- Protecting records which would reveal a confidential source of information.

Boards of management established under Section 14 of the Education Act 1998 (excluding those established or maintained by education and training boards) are currently exempt from Freedom of Information (FOI) legislation. As a result, they are not required to directly provide access to their records in response to FOI requests.

However, boards should be aware that if they forward records to a public body subject to FOI, such as Tusla, these records may become accessible under FOI legislation. Once the public body holds these records, they can be requested through FOI, despite originating from an exempt source.

Schools established under an Education and Training Board may be subject to the provisions of the Freedom of Information Act 2014 and the Act sets out exemptions and exclusions that may apply.

1.1.11 The Data Protection Acts, 1988 to 2018 and General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) and Data Protection Acts 1988 to 2018 are designed to protect the rights of individuals with regard to their personal data. Under the GDPR, personal data is defined as any information relating to an identified or identifiable natural person or a natural person who can be identified, directly or indirectly.

The legislation gives every individual, regardless of nationality or place of residence, the right to:

- Establish whether personal data relating to them exists.
- Access that data; *and*
- Have inaccurate data corrected or erased.

It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

1.1.12 Qualified Privilege

While the legal protection outlined in the Protections for Persons Reporting Child Abuse Act 1998 only applies to reports made to designated officers of Tusla or of the HSE and any member of An Garda Síochána, this legislation has not altered the situation in relation to common law qualified privilege.

As a result, if a member of a board of management or a member of school personnel provides information to the Designated Liaison Person (DLP) or to the school authority about suspicions of child abuse or neglect, that communication is considered, under common law, to carry qualified privilege.

Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, acting in *loco parentis*, would be expected to act in the child's best interests and in making the report would be regarded as acting in such a manner. Qualified privilege can be displaced only where it can be established that the person making the report acted maliciously.

Furthermore, those reporting a child's disclosure or concerns about a child's behaviour or welfare are not regarded as making an allegation as a matter of charge but simply carrying out their duty in good faith. They are not accusing or bringing a charge.

1.1.13 Confidentiality

All information regarding concerns of possible child abuse or neglect should be shared only on a "need to know" basis in the interests of the child. The test is whether or not the person has any legitimate involvement or role in dealing with the issue. The assurance of confidentiality should not be given to a third party who imparts information.

However, giving information to those who need to have that information, for the protection of a child who may have been, is being, or is at risk of being abused or neglected is not a breach of confidentiality.

As part of its oversight and quality assurance role in monitoring the implementation of these guidelines, inspectors from the Department of Education and Youth may require access to individual files. A school is required to cooperate fully with the Inspectorate and provide such access.

The requirements relating to confidentiality outlined above do not prevent a DLP from informing a parent/carer that an allegation which relates to their child has been received.

Children First National Guidance 2017 states that it is good practice to inform the parent/carer when a report to Tusla is being made about their child and the reasons for the decision to make the report.

However, *Children First National Guidance 2017* also provides that it is not necessary to inform a parent/carer that a report is being made:

- If by doing so, the child will be placed at further risk; *or*
- In cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment; *or*
- If the reporter is of the reasonable opinion that by doing so it may place the reporter at risk of harm from the family.

Where there is any doubt as to whether to inform a parent/carer that a report is being made concerning their child, the advice of Tusla shall be sought. Sections 5.3.6 to 5.3.8 of these procedures provide further guidance on informing a parent/carer including seeking the advice of Tusla.

1.1.14 Assessment and Investigation

It is not the responsibility of school personnel to assess or investigate or to make enquiries of parents/carers, and in some cases, it could be counter-productive for them to do so. It is a matter for Tusla to assess and investigate suspected abuse and neglect and determine what action it shall take.

1.1.15 Vulnerable Adults

The Children First Act 2015 and *Children First National Guidance 2017* apply to children. However, it is recognised that some schools may also cater for adult students with additional vulnerabilities. Where a vulnerable adult may have been, is being, or is at risk of being abused or neglected the advice of the Health Services Executive (HSE), or if necessary, An Garda Síochána should be sought. Further information in relation to the safeguarding of vulnerable adults is available on the website of the HSE www.hse.ie.

1.1.16 Teaching Council: Commencement of Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023

The *Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023* set out the responsibilities of employers to notify the Teaching Council in specific circumstances involving a registered teacher.

Employers must notify the Teaching Council where a registered teacher:

- Resigns, and the resignation follows either:
  - the making of a complaint at local school level (not to the Teaching Council); *or*
  - the invocation of procedures under Section 24 of the *Education Act 1998*; *or*
  - other relevant disciplinary procedures.
- Is dismissed by their employer.

The full wording and details of the information to be provided are set out in the regulations. This notification requirement applies to any resignation or dismissal occurring from 11 May 2023 onwards.

1.1.17 Child Safeguarding Statement: Non-Compliance and Register of Non-Compliance

Children First Act 2015 provides that all providers shall undertake an assessment of any potential for harm to a child while availing of the organisation's services (referred to as a "risk") and to produce a Child Safeguarding Statement in accordance with the Act.

The Act also provides that Tusla may establish and maintain a register of non-compliance. Tusla has since implemented this register, which is maintained by the Child Safeguarding Statement Compliance Unit (CSSCU). This register includes the names of providers who fail to provide a copy of their Child Safeguarding Statement to Tusla when requested. Tusla makes the register available for public inspection at its principal office during reasonable hours. Further information on the requirement for schools to have a Child Safeguarding Statement is set out in Chapter 9 of these procedures.

1.2 Child Protection and Safeguarding

Child protection is the activity of protecting children who are suffering or may be likely to suffer or are at risk of suffering from harm as a result of abuse, including neglect, emotional abuse, physical abuse and sexual abuse.

Child safeguarding is broader than child protection and is about ensuring safe practice and appropriate responses by workers and volunteers to concerns about the safety or welfare of children, including online concerns, should these arise. Child safeguarding is about protecting the child from harm, promoting their welfare and in doing so creating an environment which enables children and young people to grow, develop and achieve their full potential.

1.3 Obligations on Teachers and Schools

The Children First Act 2015 places statutory obligations on certain professionals, including all registered teachers, who are referred to as mandated persons in the Act. The Act also places statutory obligations on certain organisations that provide services to children, including all schools.

Children First National Guidance 2017 outlines the statutory obligations that apply to mandated persons, such as registered teachers, and the statutory obligations that apply to organisations such as schools under the Act. It also sets out the best practice (non-statutory) obligations which are in place for all individuals (including teachers) and for all sectors of society.

The statutory obligations under the Children First Act 2015 operate side by side with the best practice (non-statutory) obligations.

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.

Separate to the Children First Act 2015 all schools have a duty of care to their students. School authorities should always be cognisant of the need for prudent practice from a child protection perspective.

Schools are also well positioned to identify broader child welfare concerns. When addressed appropriately at an early stage, these concerns can contribute significantly to the overall welfare and protection of children and help prevent abuse or neglect.

Child protection and welfare considerations should permeate all aspects of school life and be reflected in the school's policies, procedures and practices.

Chapter 2:
Definition and Recognition of Child Abuse

This chapter describes the four main types of abuse: neglect, emotional abuse, physical abuse and sexual abuse, and outlines how abuse and neglect can be recognised.

All school personnel should be familiar with signs and behaviours that may be indicative of child abuse.

School personnel dealing with children need to be alert to the possibility that a welfare or child protection concern may arise in relation to children with whom they come in contact and should be familiar with the signs that may be indicative of child abuse. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and that they will get the help they need. Without these things, they may be vulnerable to continuing abuse.

In *Children First National Guidance 2017* and in these procedures, "a child" means a person under the age of 18 years, excluding a person who is or has been married.

Key principles

- **Tusla should always be informed where a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for a person to have proof that abuse has occurred to report a concern to Tusla. All that is required is that the person has reasonable grounds for concern. It is Tusla's role to assess any reported concerns.**

2.1 Reasonable Grounds for Concern

The *Children First National Guidance 2017* requires that Tusla should always be informed where a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. If the signs of abuse are ignored, it could result in ongoing harm to the child. It is not necessary for a person to have proof that abuse has occurred to report a concern to Tusla. All that is required is that the person has reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. Where a concern is reported, the information will be carefully considered with any other information available, and a child protection assessment will be carried out where sufficient risk is identified.

Reasonable grounds for a child protection or welfare concern include:

- Evidence (for example, 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 they have 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.

2.2 Types of Child Abuse and How They Might Be Recognised

This section describes the four main types of abuse: neglect, emotional abuse, physical abuse and sexual abuse and outlines how abuse and neglect can be recognised.

All school personnel should be familiar with signs and behaviours that may be indicative of child abuse.

A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in a community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child.

In a situation where abuse is alleged to have been carried out by another child, it should be considered a child welfare and protection issue for both children. Child protection procedures should be adhered to for both the alleged victim and the alleged abuser.

The important factor in determining whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer/other person.

The definitions of neglect and abuse presented in this chapter are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Procedures for Reporting

> **The procedures for reporting child abuse or neglect can be found in Chapter 5 of these procedures. If it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay.**

2.2.1 Neglect

Children First National Guidance 2017 outlines that child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and wellbeing of the child and may have serious long-term negative consequences.

Neglect

> **Neglect occurs when a child does not receive adequate care or supervision, to the extent that the child is harmed physically or developmentally.**

Neglect is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision and safety. Emotional neglect may also lead to the child having difficulties of attachment. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life, as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty, but not necessarily caused by it, nor is poverty necessarily a factor. It is strongly linked to parental substance misuse, domestic violence and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent/carer. This may become apparent where the child is seen over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision.
- Malnourishment, lacking food, unsuitable food or erratic feeding.
- Non-organic failure to thrive, that is, a child not gaining weight due not only to malnutrition but also emotional deprivation.
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation.
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture.
- Lack of adequate clothing.
- Inattention to basic hygiene.
- Lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age.
- Persistent failure to attend school.
- Abandonment or desertion.

2.2.2 Emotional Abuse

Emotional Abuse

- **Emotional Abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.**

Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet the children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not always easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection.
- Lack of comfort and love.
- Lack of attachment.
- Lack of proper stimulation (e.g. fun and play).
- Lack of continuity of care (e.g. frequent moves, particularly unplanned).
- Continuous lack of praise and encouragement.
- Persistent criticism, sarcasm, hostility or blaming of the child.
- Bullying.
- Conditional parenting in which care or affection of a child is made contingent on their behaviours or actions.
- Extreme over-protectiveness.
- Inappropriate non-physical punishment (e.g. locking child in bedroom).
- Ongoing family conflicts and family violence.
- Seriously inappropriate expectations of a child relative to their age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

2.2.3 Physical Abuse

Physical Abuse

- **Physical Abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt.**

Physical abuse may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment.
- Beating, slapping, hitting or kicking.
- Pushing, shaking or throwing.
- Pinching, biting, choking or hair-pulling.
- Use of excessive force in handling.
- Deliberate poisoning.
- Suffocation.
- Fabricated/induced illness.
- Female genital mutilation.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings.

Corporal punishment has been banned in schools since 1982.

2.2.4 Sexual Abuse

Sexual Abuse

- **Sexual Abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others.**

Sexual abuse includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in many instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or their siblings/friends, from the suspicions of an adult and/or by physical symptoms.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of the child.
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification.

- Masturbation in the presence of a child or the involvement of a child in an act of masturbation.
- Sexual intercourse with a child, whether oral, vaginal or anal.
- Sexual exploitation of a child, which includes:
  - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means];
  - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act;
  - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse.
- Exposing a child to inappropriate or abusive material through information and communication technology.
- Consensual sexual activity involving an adult and an underage person.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

It should be noted that in criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on the exemptions for mandated reporting of certain underage sexual activity can be found in section 4.2.7(a) of these procedures.

Where a school becomes aware of underage sexual intercourse, the school should take appropriate steps to inform the child's parents/carers.

2.3 Threshold of Harm for Mandated Reporting

The Children First Act 2015 has placed a statutory obligation on specific people to report child protection concerns that are at or above a threshold of harm (as defined in that Act) to Tusla. Such persons are referred to as "mandated persons" under the Act. All teachers who are registered with the Teaching Council are mandated persons under the Children First Act 2015.

The threshold of harm is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being ill-treated to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected**.

Further details of the obligations of mandated persons, and how to identify whether the threshold of harm has been reached, are available in section 4.2.

2.4 When Bullying Behaviour Becomes a Child Protection Concern

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying

> **Bullying is targeted behaviour, online or offline that causes harm. The harm caused can be physical, social and/or emotional in nature. Bullying behaviour is repeated over time and involves an imbalance of power in relationships between two people or groups of people in society.** *(Cineáltas: Action Plan on Bullying)*

School authorities are required to have a code of behaviour and an anti-bullying policy in place in accordance with the department's *Bí Cineálta Procedures to Prevent and Address Bullying in Schools* and as outlined in Circular 55/2024.

Building on many years of international research, the core definition above sets out clear criteria to help school communities to prevent, correctly identify and address bullying among students. Alleged incidents of bullying are, however, often complex and must be considered on a case-by-case basis.

There are many different forms of bullying behaviour, which can occur separately or together, including physical, verbal and relational forms, and it can take place online and offline. Bullying includes behaviour such as physical aggression, damage to property, intimidation, isolation/exclusion, name-calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender, sexual preference, race, ethnicity and religious factors. There are also many different motives for bullying behaviour which can be understood on an individual level (for example, desire for dominance, status, revenge) and/or on a societal level (for example, identity-based bullying such as racist, disablist, sexist or LGBTQ+ bullying). Bullying behaviour in schools is often strongly influenced by attitudes, behaviours, norms and power dynamics that are deeply engrained in our society.

Bí Cineálta Procedures to Prevent and Address Bullying Behaviour for Primary and Post Primary Schools www.gov.ie requires all schools to have an anti-bullying policy. Further details are available in that document.

While bullying is not usually a child protection concern, in cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla or An Garda Síochána as appropriate.

Generally, bullying behaviour can be addressed without the involvement of Tusla. However, bullying behaviour can become a child protection concern when it results in significant physical or emotional harm, or where it becomes a persistent and severe problem and measures taken to address it are not effective.

In determining when bullying behaviour should be reported to Tusla the following factors should be considered:

- Impact on the child.
- Protective/appropriate action taken by parents/carer.
- Protective/appropriate action taken by school.
- Engagement of child/family with support services such as NEPS.

If there is doubt about whether bullying behaviour is a child protection concern the designated liaison person shall seek advice from Tusla in accordance with the procedures set out in chapter 5.

If bullying escalates to physical violence or threats of violence, it may be considered assault. An Garda Síochána is the appropriate authority to investigate alleged criminal behaviour.

2.5 Behaviours of Concern and Crisis Situations

Understanding Behaviours of Concern and Responding to Crisis Situations – Guidelines for Schools in Supporting Students were developed by the Department of Education and Youth to address uncertainty for staff on how to respond when facing crisis situations where there are concerns regarding physical safety. The guidelines focus on creating inclusive environments which can respond to need and build on good practice including prevention and de-escalation. Circular 0081/2024 accompanies the publication of the guidelines.

The guidelines are written from a children's rights perspective and are based on core values such as focusing on the child's wellbeing, promoting respect, working together, creating a whole school approach, ensuring a safe environment, and following legal requirements. The guidelines outline that schools should focus on prevention and de-escalation strategies to ensure restrictive interventions or restraints are not needed.

Physical restraint is any procedure where one or more adults restrict a student's physical movement or normal access to their own body. Physical restraint, as defined in the guidelines, is not permitted within any recognised school setting except in a crisis situation where there is imminent risk to students' physical safety or the safety of others. Physical restraint must not be used to punish a student for unacceptable behaviour under any circumstances. Crisis situations are defined in the guidelines as times when behaviours of concern present serious risk of imminent physical harm to the student concerned and/or others within the school environment.

Seclusion is placing a student involuntarily in any environment in which they are alone and physically prevented from leaving.

Seclusion, however carried out, is always experienced by the student as punitive/punishment. It does not involve any agency on the part of the student. Physical prevention from leaving can be through the use of a locked door, a blocked door, or an exit held closed by a staff member. Seclusion is also a situation where a student believes they cannot leave a space although no physical block is evident.

Seclusion is not allowed in any school setting.

2.5.1 Where a Member of School Personnel or a Parent Has a Concern About the Application of Guidelines on Understanding Behaviours of Concern and Responding to Crisis Situations

Seclusion

Where a member of school personnel or a parent believes that seclusion may have been used in the school, they should report it to the school principal.

Where all three factors are present, that is, the child has been involuntarily detained, is alone and is physically prevented from leaving, then this is considered seclusion. It is not considered seclusion where one or two factors are involved.

Where the incident is deemed to be seclusion, as set out in the *Guidelines on Understanding Behaviours of Concern and Responding to Crisis Situations*, this may be a child protection issue and the DLP is then required to follow the reporting procedures as outlined in Chapter 5.

Where the incident is deemed not to be seclusion, but the parent or member of school personnel is not in agreement with this assessment, they may still report this to Tusla as a child protection issue.

Physical Restraint

Where a member of school personnel thinks that physical restraint may have been used inappropriately in the school, they should report it to the school principal.

Where a parent thinks that physical restraint may have been used inappropriately in the school, they should follow the school's complaint procedure.

Where a member of school personnel or a parent considers that an incident involving physical restraint is a child protection concern, they should report the matter to the DLP. The DLP is then required to follow the reporting procedures as outlined in Chapter 5.

Where the incident of physical restraint is deemed not to be child protection issue, but the parent or member of school personnel is not in agreement with this assessment, they may report this to Tusla as a child protection issue.

2.6 Concerns in Relation to an Adult Who May Pose a Risk to Children

While in most cases concerns for the welfare or safety of a child develop from someone's own observation or knowledge of a particular child or their family, sometimes concerns arise in relation to whether an adult may pose a risk to children, even if there is no specific child identified in relation to the concern. For example, on the basis of known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. Any such reasonable concerns should be reported to Tusla, which will try to establish whether or not any child is currently at risk from the individual in question.

Where school personnel have concerns as to whether an adult may pose a risk to children, even if there is no specific child named in relation to the concern but are not sure whether to report the matter to Tusla, advice should be sought from Tusla in accordance with the procedures set out in chapter 5.

Children First National Guidance 2017 states that while Tusla will make every effort to examine such cases, it is a very complex area involving constitutional rights to a good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to the person who reported the concern on the progress or outcome of the case.

2.7 Circumstances Which May Make Children More Vulnerable to Abuse and Neglect

Some children may be more vulnerable to abuse than others. There may also be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to abuse.

School personnel dealing with children need to be alert to the possibility that a welfare or protection concern may arise in relation to children with whom they come in contact. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and that they will get the help they need. Without these things, they may be vulnerable to continuing abuse.

The following list is intended to assist in identifying the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or Carer Factors:

- Drug and alcohol misuse.
- Addiction, including gambling.
- Mental health issues.
- Parental disability issues, including learning or intellectual disability.
- Conflictual relationships.
- Domestic violence.
- Adolescent parents.

Child Factors:

- Age.
- Gender.
- Sexuality.
- Disability.
- Mental health issues including self-harm and suicide.
- Communication difficulties.
- Trafficked/Exploited.
- Previous abuse.
- Young carer.

Community Factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction.
- Culture-specific practices, including:
  - Female genital mutilation;
  - Forced marriage;
  - Honour-based violence;
  - Radicalisation.

Environmental Factors:

- Housing issues, including where children are in temporary accommodation or in precarious housing situations.
- Children who are out of home and not living with their parents, whether temporarily or permanently.
- Poverty/begging.
- Bullying.
- Internet and social media-related concerns.

Poor Motivation and Poor Willingness of Parents/Guardians to Engage:

- Non-attendance at appointments.
- Lack of insight or understanding of how the child is being affected.
- Lack of understanding about what needs to happen to bring about change.
- Avoidance of contact and reluctance to work with services.
- Inability or unwillingness to comply with agreed plans.

These factors should be considered as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

The presence of these factors in the school community should be considered within the context of the school's Child Safeguarding Statement and Risk Assessment, alongside any other risks identified.

2.8 Peer-to-Peer Issues

Abuse can also occur among peers – including in instances where one student is over the age of 18. Where there is any uncertainty in relation to concerns that may arise among peers, where they are both under the age of 18, or where one or more are adults, Tusla should be consulted for advice.

2.9 Dealing With Disclosures From Children

It is important that all members of school personnel are aware and prepared for responding to a child who may disclose abuse.

Dealing With Disclosures From Children

- A child or young person may disclose to a member of school personnel that they have been or are being harmed or abused.
- Children will often have different ways of communicating that they are being abused. If a child hints at or tells a member of school personnel that they are being harmed by someone it should be treated in a sensitive way.
- An abused child is likely to be under severe emotional stress and a member of school personnel may be the only adult who the child is prepared to trust. Great care must be taken not to damage that trust.
- Information may be offered in confidence and the member of school personnel will need tact and sensitivity in responding to the disclosure.
- The member of school personnel will need to reassure the child, and endeavour to retain their trust, while explaining the need for action which will necessarily involve other adults being informed.
- It is important to tell the child that everything possible will be done to protect and support them, but not to make promises that cannot be kept, for example promising not to tell anyone else.

The following approach is suggested as best practice for dealing with these disclosures:

- Be as calm and natural as possible.
- Listen carefully and attentively. Give the child the time and opportunity to tell as much as they are able and wish to.
- Take the child seriously.
- Be aware that disclosures can be very difficult for the child.
- Reassure the child that they have taken the right action in talking to you.
- Do not pressurise the child. Allow them to disclose at their own pace and in their own language.
- Do not promise to keep anything secret.
- Remember that the child may initially be testing your reactions and may only fully open up over a period of time.
- Do not express any opinions about the alleged abuser.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child/young person quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgement of, or anger towards the alleged perpetrator while talking with the child/young person.
- It may be necessary to reassure the child/young person that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.

- Questions should be supportive and for the purpose of clarification only (for example, ask "Am I correct in saying that…?").
- Do not ask leading questions. Leading questions are questions that are asked in a way that is intended to produce a desired answer.
- Check back with the child that what you have heard is correct and understood.
- Ensure that the child understands the procedures that will follow.
- Treat the information confidentially, subject to the requirements of the *Children First National Guidance 2017* and relevant legislation.

At the earliest possible opportunity:

- Make a written record of the conversation as soon as possible, in as much detail as possible, preferably quoting words actually used. It is important to note that there is no need to anonymise this record at this point.
- Signs of physical injury should be described in detail and, if appropriate, sketched.
- While a child should be allowed to make a written statement if they wish to do so, **it is important to note that the child should not be asked to write the account of their disclosure for the record**.
- Fact-check the written record with the child, where possible.

Where necessary, immediate action should be taken to ensure the child's safety.

The reporting requirements outlined in chapter 5 of these procedures must be followed at the earliest possible opportunity.

Ongoing Support

Disclosure is a huge step for a child. Following a disclosure by a child, it is important that the member of school personnel continues in a supportive relationship with the child. It is important to ensure that the child feels safe, and that any actions necessary for that safety are taken.

School personnel should also continue to offer support, particularly by:

- Maintaining a positive relationship with the child.
- Keeping lines of communication open by listening carefully to the child; Any further disclosure should be treated as a first disclosure and responded to as indicated above.

Any further disclosure should be treated as a first disclosure and responded to as indicated above. It must always be remembered that school personnel have a supportive, not an investigative role.

It is important to deal with any allegation of abuse or neglect in a sensitive manner through listening to and facilitating the child to tell about the problem, **rather than interviewing the child about details of what happened**.

Tusla has also published a "Child Safeguarding: A guide for Policy, Procedure and Practice" document which includes further guidance in relation to responding to a child who discloses abuse and it is available on Tusla's website.

Chapter 3: Retrospective Abuse Allegations

This section relates to allegations of abuse from adults that they experienced in their childhood. It considers issues of whether the allegation should be reported to Tusla and contains advice for the school on how to respond in the case of such allegations.

3.1 Responding to a Retrospective Abuse Allegation

An adult may disclose abuse that took place in their childhood to a member of school personnel.

The member of school personnel will need tact and sensitivity in responding to such a disclosure. It is important to deal with any allegation of abuse or neglect in a sensitive manner.

It is important to be empathetic and express understanding that it may have taken a considerable effort for the person to disclose the past abuse.

In particular where the disclosure is made through written correspondence, the school may wish to obtain legal advice or advice from their management body, patron or ETB before replying. A school may wish to include some of the following in a written response:

- Be empathetic and express understanding that it may have taken a considerable effort for the person to disclose the past abuse.
- Outline that school personnel do not have an investigative role, and that school personnel may have to notify Tusla of the report.
- Outline that the school may also notify An Garda Síochána in cases of sexual and physical abuse/assaults.
- Explain that, where An Garda Síochána receive an allegation of retrospective sexual abuse from a third party, An Garda Síochána does not approach the person who has disclosed that they were sexually abused as a child except in cases where there is an immediate and serious risk to the safety and welfare of that person or another. This is because An Garda Síochána is aware that the person making the disclosure may not necessarily wish the matter to be investigated. A complaint can be made directly to An Garda Síochána with a view to having the matter investigated.
- To support the person in notifying An Garda Síochána of physical or sexual abuse, should they wish to do so, contact details can be provided as follows: the Garda National Protective Services Bureau at GNPSB_SCMU@Garda.ie, the person's local Garda Divisional Protective Services Unit or any Garda Station. In such cases a Garda will respond.
- Contact the Garda Confidential Line on 1800 666 11. The Garda Child Sexual Abuse Freephone number is 1800 555 222.

The following resources can also be provided:

- **Rape Crisis Centre** – **1800 778 888**.
- **Toward Healing** is for survivors of religious, institutional and clerical abuse – Freephone **1800 303 416**.
- **National Counselling Service** for people who experienced childhood abuse or neglect – **1800 234 111**.
- **One in Four** is an organisation that provides support to adult survivors of childhood sexual abuse, including providing advice and support in relation to making a statement to the Gardaí. They can be contacted at **+353 1 6624070**, by email at **info@oneinfour.ie** or via their website at **https://www.oneinfour.ie/contact**.
- Connect Counselling is a HSE telephone counselling and support service for adults who have experienced childhood abuse. Republic of Ireland: Freephone 1800 477 477, Northern Ireland and UK: 00800 477 477 77 Outside ROI and UK: 00353 (0)1 865 7495, Website: https://connectcounselling.ie
- Samaritans is available for confidential, non-judgemental, listening support. Freephone 116 123 Email jo@samaritans.ie, visit www.samaritans.ie for more information
- Online and in-person counselling provider MyMind.org provides counselling and psychotherapy.

3.2 Reporting to Tusla – Mandated Persons

For details of the general role and responsibilities of mandated persons please see Chapter 4.

3.2.1 Addendum to Children First

Addendum to *Children First: National Guidance for the Protection and Welfare of Children 2017* has been published by the Minister for Children, Disability and Equality in April 2025. This clarifies the reporting requirements in relation to dealing with adult retrospective disclosures of childhood abuse.

3.2.2 Mandated Persons – Establishing Whether Mandated Report is Required

Having received a retrospective disclosure of childhood abuse from an adult, a mandated person must make a professional judgement as to whether any person who is currently a child (identifiable or not) is at risk of harm from the person who is the subject of the abuse allegations. They must consider whether the person who is the subject of the allegations may have access to or contact with children.

A report will have to be made to Tusla where the person against whom there is an allegation may pose a current risk to children.

Registered teachers, as mandated persons, in determining whether they have to report the information to Tusla, must consider **whether there are reasonable grounds to suspect that a person who is currently under the age of 18 years has been, is being or is at risk of being abused or neglected**. This is the case even where the children about whom there may be a concern are still to be identified.

3.2.3 When Mandated Reporting Is Not Required

Mandated persons are not required to report to Tusla the childhood abuse of a person who is now an adult, in circumstances where no harm or risk of harm to a child has been identified or suspected.

Furthermore, in the absence of any current risk to a child, a mandated person is not required to report to Tusla the identity of the person alleged to have caused the harm to the adult who was abused as a child. However, where the adult providing this information consents to the identity of the person alleged to have caused the harm being reported, **then the mandated person can and should report the allegation to Tusla**.

3.2.4 Where It Has Been Established That a Mandated Report Is Necessary

In cases where a mandated person believes that the risk meets the criteria as set out in section 3.2.2, the DLP should immediately be notified and the procedures for reporting followed as set out in Chapter 5.

3.2.5 Non-Mandated Reporting

As a mandated person, a teacher can also make a non-mandated report, if the concern does not meet the threshold of harm for mandated reporting but the mandated person feels that there is a reasonable concern about the welfare or protection of a child. In such cases, the teacher should notify the DLP and follow the procedures for reporting as set out in Chapter 5.

As set out in Chapter 5, in all cases where the DLP or member of school personnel is unsure as to whether a report is required, they should contact Tusla for advice.

3.2.6 Disclosure to a Mandated Person Before 2015

The reporting requirements under the Children First Act 2015 apply only to information that mandated persons received or became aware of since the Act came into force, regardless of whether the harm occurred before or after that point.

However, where there is a reasonable concern about past abuse, where information came to a mandated person's attention before the Act and there is a possible continuing risk to children, it should be reported to Tusla under the *Children First National Guidance 2017*.

3.3 Reporting to Tusla – Non-Mandated Persons

Other members of school personnel who are not mandated persons, i.e. school personnel who are not registered teachers or other mandated persons, are not required to report retrospective abuse disclosures to Tusla. However, they should bring any retrospective abuse disclosures to the attention of the DLP, who shall follow the procedures as set out in Chapter 5 and Chapter 7 as required.

3.4 Reporting to An Garda Síochána

In some instances, the concern may need to be reported directly to An Garda Síochána. Under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person.

The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and they have information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána. The obligations of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 are in addition to the reporting requirements under the Children First Act.

3.5 Child Protection Oversight Report to Board of Management

The Child Protection Oversight Report to the board of management as outlined in Chapter 12 shall contain reference to any retrospective allegations of abuse by current or former members of school personnel that have come to the attention of the school.

Chapter 4:
Roles and Responsibilities

Key Principles

- In any situation where a member of school personnel receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected or is at risk of abuse or neglect, they shall, without delay, report the matter to the DLP.
- The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made.
- Where there are reasonable grounds for concern, reports should be made without delay to Tusla.
- Any reasonable grounds for concern must be reported. Ignoring what may be signs or indicators of abuse could result in ongoing harm to the child.
- Where a registered teacher or other mandated person has any such concern, in addition to reporting it to the DLP, it must also be considered whether the concern is at or above the threshold at which the teacher must make a mandated report to Tusla.
- All school personnel must have due regard to the need for confidentiality at all times.

4.1 Responsibilities of All School Personnel

All school personnel have roles and responsibilities in relation to the safeguarding of children. This includes registered teachers and other mandated persons, as well as non-mandated members of school personnel, including special needs assistants, caretakers and secretaries or any other member of school personnel as defined in the glossary.

4.1.1 Familiarisation With Procedures and Observation of Abuse

All school personnel must familiarise themselves with these procedures including the four main types of abuse and how abuse and neglect can be recognised, as set out in Chapter 2.

The DLP shall make these procedures and *Children First National Guidance 2017* accessible to school personnel. This may be in the form of specifying the online location for the procedures (www.gov.ie/childprotectionschools and/or the school website), providing a link to the *Children First National Guidance 2017*, and stating the number and location of hard copies of these procedures available in the school. The location and means of accessing these documents shall be included on the school's Child Safeguarding Statement. Details of how the Child Safeguarding Statement is to be drafted are in Chapter 9.

School personnel are especially well placed to observe changes in children's behaviour, their lack of development or outward signs of abuse. **In any situation where a member of school personnel, receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, the member of school personnel shall, without delay, report the matter to the designated liaison person (DLP) in accordance with the procedures outlined in chapter 5 of these procedures.**

4.1.2 How to Record What Has Been Observed

School personnel shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail and, if appropriate, sketched. Any comment by the child concerned, or by any other person, about how an injury or other incident occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. **There should be no anonymisation of the record at this point.** The record of the discussion shall be signed, dated and given to the DLP who shall retain it on the child protection case file. It should be noted that it is not the role of the school to investigate child protection concerns or to collect evidence.

Where an allegation of abuse is made by an adult, a written statement should be sought from this person, where possible.

The ability of Tusla to assess suspicions or allegations of abuse will depend on the amount and quality of information conveyed to them.

4.1.3 Mandated Persons

Where a mandated person has any such concern, in addition to reporting it to the DLP, they must also consider whether the concern is at or above the threshold at which a mandated report to Tusla must be made. Section 4.2 in this chapter sets out further details on the specific obligations of registered teachers and other mandated persons.

4.1.4 Consequences of Non-Reporting

Failure by any member of school personnel to report a matter to Tusla, where advised by Tusla to do so or to otherwise fail to comply with these procedures is a very serious matter. It may also be a disciplinary matter and should be reported to and dealt with separately by the employer in accordance with the relevant disciplinary procedures.

Under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and they have information which would help arrest, prosecute or convict another person for that offence, but fails, without reasonable excuse, to disclose that information as soon as it is practicable to do so to a member of An Garda Síochána.

The reporting obligations under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 are in addition to the reporting obligations under Children First National Guidance 2017 and the Children First Act 2015.

4.2 Statutory Obligations of Mandated Persons, Including Registered Teachers

This section applies to all registered teachers working in schools, including the DLP and the DDLP. It outlines the statutory obligations that apply to all registered teachers under the Children First Act 2015, and the actions to be taken by registered teachers who have a child protection concern. It is important that all registered teachers familiarise themselves with their statutory obligations under the Children First Act 2015 and with the guidance contained in this chapter.

While reference is made here to registered teachers, it also includes, and applies to, any other mandated person who may be employed by the school, for example a chaplain or nurse. A full list of those people who are mandated persons is set out in Appendix 1.

4.2.1 Statutory Obligations Under Children First

Registered teachers as mandated persons have two main statutory obligations under the Children First Act 2015:

a) To report any knowledge, belief or reasonable grounds to suspect that a child has been harmed, is being harmed or is at risk of being harmed to Tusla (s.14(1) Children First Act 2015); *and*

b) To assist Tusla in assessing a concern which has been the subject of a mandated report, if requested by Tusla in accordance with the Act (s.14(2), Children First Act 2015).

4.2.2 Specific Responsibilities of Registered Teachers

The Children First Act 2015 has placed a statutory obligation on specific people to report child protection concerns that are at or above a threshold of harm (as defined in that Act) to Tusla. Such persons are referred to as "mandated persons" under the Act. All teachers who are registered with the Teaching Council are mandated persons under the Children First Act 2015.

Any member of school personnel including a registered teacher who receives an allegation or has a suspicion that a child may have been, is being, or is at risk of being abused or neglected, is required to report the matter, without delay, to the DLP in the school.

In addition, every registered teacher, as a mandated person, also has a statutory obligation to make their own mandated report to Tusla where the concern about the child is at or above a threshold of harm as defined in the Act. Therefore, in addition to reporting their concern to the DLP, a registered teacher must also consider whether or not the concern is at or above that defined threshold of harm and therefore requires them to submit a mandated report to Tusla. A joint report, as outlined under 4.2.3 below, fulfils this statutory obligation.

4.2.3 Joint Reporting

Joint Reporting

- Under the Children First Act 2015 registered teachers as mandated persons are required to report to Tusla any knowledge, belief or reasonable grounds to suspect that a child has been harmed, is being harmed, or is at risk of being harmed.
- The statutory obligation under the Children First Act 2015 to make a mandated report to Tusla rests with the individual teacher and this applies regardless of whether or not the DLP reports the concern in question.
- However, a registered teacher who makes a mandated report to Tusla jointly with the DLP meets their statutory obligation to report to Tusla under the Children First Act 2015.
- If a mandated person does not report, where the concern is at or above the defined threshold of harm, either themselves or jointly with the DLP, they have not fulfilled their statutory obligations. This is the case even where the DLP has reported on foot of the concern being raised.

Chapter 5 of these procedures sets out the process that a registered teacher should follow where they have a child protection concern.

4.2.4 Criteria for Mandated Reporting: Threshold of Harm

The Children First Act 2015 defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in chapter 2 of these procedures.

The threshold of harm for each category of abuse at which registered teachers as mandated persons have a statutory obligation to report concerns is set out in Chapter 3 of *Children First National Guidance 2017* and is outlined below.

a) Neglect

Neglect is defined as "to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care". The threshold of harm is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected**.

b) Emotional Abuse/Ill-treatment

Ill-treatment is defined as: "to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated". Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being ill-treated to the point where **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected**.

c) Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm is reached when the mandated person knows, believes or has reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted and that as a result **the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

d) Sexual Abuse

Where a registered teacher as a mandated person who knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused has a statutory obligation to report this to Tusla under the Children First Act 2015. Such reports shall be made in accordance with the reporting requirements outlined in chapter 5 of these procedures.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla.

Sexual abuse to be reported under the Children First Act 2015 (as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017) is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 2 to these procedures and at Appendix 3 of the *Children First National Guidance 2017*.

There is one exception which deals with certain sexual activity between older teenagers which is outlined in section 4.2.7 (a) of these procedures.

4.2.5 Disclosures of Abuse From a Child

Children First National Guidance 2017 outlines that mandated persons who receive a disclosure of harm from a child, which is at or above the threshold of harm (see section 4.2.4 of these procedures) must make a mandated report of the concern to Tusla.

Mandated persons are not required to judge the truth of the claims or the credibility of the child. If the concern does not meet the threshold to be reported as a mandated concern but it constitutes reasonable grounds for concern (as described in chapter 2 of these procedures) the concern shall be reported to Tusla in accordance with reporting requirements in chapter 5 of these procedures.

A mandated person who receives a disclosure of harm from a child may feel reluctant to report this for a number of reasons. For example, the child may say that they do not want the disclosure to be reported, or the mandated person may take the view that the child is now safe and that the involvement of Tusla may not be desired by either the child or their family. However, mandated persons should be aware that under the Children First Act 2015, they have a statutory obligation to report such concerns (as mandated reports) to Tusla. Furthermore, Tusla needs to be informed of all risks to children, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to Tusla's assessment of risk to another child either now or in the future.

Disclosures of abuse from a child must be dealt with sensitively and professionally and the approach outlined in section 2.9 of these procedures is suggested as best practice for dealing with these disclosures.

4.2.6 Mandated Persons Who Work With Adults

Children First National Guidance 2017 outlines that professionals who work with or treat persons with mental health, intellectual disability, addiction or domestic violence issues or professionals who work in the probation services must consider the welfare and safety of any children in that person's family and/or children in regular contact with the person. Such professionals may find themselves working with people whose health and behaviour has harmed or may harm a child. Where a registered teacher has any such concern about a person, it should be reported in accordance with the reporting requirements outlined in chapter 5 of these procedures and where applicable in accordance with the mandated reporting procedures in section 5.1 of these procedures.

4.2.7 Exceptions From the Obligation to Make a Mandated Report

a) Certain Underage Sexual Activity

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. A sexual relationship where one or both parties is under 17 years of age is illegal. However, a mandated person is exempted from making a mandated report to Tusla in relation to underage sexual activity where certain specified criteria are met. Section 14(3) of the Children First Act 2015 sets out this exemption from reporting underage sexual activity. It provides that if a mandated person is satisfied that all of the following criteria are met, then a report to Tusla is not required:

- The child concerned is aged between 15 and 17 years old.
- The age difference between him or her and the other party to the sexual activity is not more than 24 months.
- There is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned.
- The relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party; *and*
- The child concerned makes known to the mandated person that they do not want any information about the activity to be disclosed to Tusla.

The above exemption does not apply where a child believes that they have been harmed, is being harmed or is at risk of being harmed and discloses that belief to the mandated person. In addition, all persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and if a mandated person has any concerns, even where all the above criteria are met, a report can still be made to Tusla.

Where a school becomes aware of underage sexual intercourse the school should take appropriate steps to inform the child's parents.

b) Concerns Developed Outside of Professional Duties

The statutory obligation to make a mandated report under the Act applies only to information that a mandated person acquires in the course of their employment or profession as such a mandated person. It does not apply to information acquired outside of their work, or information given to him or her on the basis of a personal rather than a professional relationship.

However, a mandated person should comply with the best practice (non-statutory) requirement of the *Children First National Guidance 2017* to report all reasonable grounds for concern to Tusla regardless of where or how they arise.

c) Concerns That Have Already Been the Subject of a Mandated Report

If a mandated reporter is informed that a mandated report has been made to Tusla or assistance provided to Tusla, then there is no requirement to make another report solely on the basis of this information.

4.2.8 Consequences of Non-Reporting by Mandated Persons

While the Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla, Children First National Guidance 2017 outlines that there are possible consequences for mandated persons who fail to report. In the case of registered teachers, there are a number of administrative actions that Tusla could take, if after an investigation, it emerges that a mandated report was not made by a registered teacher and a child was subsequently left at risk or harmed.

Tusla may:

a) Make a complaint about the registered teacher under the Fitness to Teach provisions of the Teaching Council Acts 2001 to 2015.

b) Pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to current or future employers when the registered teacher is next Garda vetted.

4.2.9 Mandated Assisting

Section 16 of the Children First Act 2015 provides that Tusla may request a mandated person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. The Act places a statutory obligation on all mandated persons to comply, as soon as practicable, with a request made by Tusla in accordance with section 16 of the Act. A mandated person must comply with this request, regardless of who made the mandated report.

Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. Further information about mandated assistance, including Tusla's protocol for requesting such assistance, can be found on Tusla's website www.tusla.ie.

Children First National Guidance 2017 outlines that Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed by each specific case.

4.2.10 Sharing Information

The Data Protection Acts 1988 to 2018 and General Data Protection Regulation (GDPR) do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Further information is available in the Legal Framework section in Chapter 1.

Information that Tusla shares with a registered teacher, including a DLP, where that teacher is assisting Tusla to carry out an assessment, must not be shared by the registered teacher with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. This is in keeping with the principles of data protection which recognise that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.

4.2.11 The Offence of Unauthorised Disclosure

Section 17 of the Children First Act 2015 makes it an offence for a person to disclose information to a third party which has been shared by Tusla during the course of an assessment arising from a mandated report, save in accordance with law, or unless Tusla has given that person written authorisation to do so. Failure to comply with this section of the Act is an offence liable to a fine or imprisonment for up to six months or both. Further details on the requirement for confidentiality are outlined in section 1.1.13.

4.2.12 Protection From Civil Liability

Section 16(3) of the Children First Act 2015 provides that a mandated person, including a registered teacher who shares information with Tusla pursuant to a mandated assistance request made by Tusla in accordance with section 16 of the Act is protected from civil liability in relation to the sharing of that information with Tusla. Further details of protections for persons reporting child abuse are outlined in sections 1.1.3 and 1.1.12.

4.3 Designated Liaison Person (DLP) and Deputy Designated Liaison Person (DDLP)

4.3.1 Appointment of DLP

All boards of management must designate a senior full-time member of the **registered teaching staff** of the school as the designated liaison person (DLP) for the school.

It is expected that the DLP will usually be the principal, and it is recommended that where possible, this should be the case. Where the board of management appoints a DLP who is not the principal, the school authority should put in place arrangements to ensure that the DLP will keep the principal appropriately informed of child protection matters. The school authority should also keep a record of the reason why the principal was not designated as DLP.

The role of the DLP is to act as the resource person to any member of school personnel who has a child protection concern. The DLP should be knowledgeable about child protection and should be provided with any training considered necessary to fulfil this role.

4.3.2 Appointment of DDLP

It is also the responsibility of the board of management to designate one other member of the full-time **registered teaching staff** of the school (to be known as the deputy DLP/DDLP) to assume the responsibilities of the DLP, in the absence of the DLP. It is expected that, where possible, the DDLP will be a deputy principal of the school.

There is no requirement to appoint a DDLP in the case of a one-teacher school where there is no other full-time member of teaching staff to whom this role can be assigned. In such schools, where the principal is absent, the substitute employed to replace the principal shall assume the relevant duties relating to the role of the DLP. It is the responsibility of the school employer to ensure that any substitute employed in such circumstances is made fully aware of the duties associated with the DLP role and that they can effectively assume the responsibilities involved.

The board of management shall ensure that arrangements are in place to enable the DDLP to effectively assume their responsibilities in the absence of the DLP and to ensure that the DDLP can access relevant records when required.

4.3.3 Absence of both DLP and DDLP

In the event that both DLP and DDLP are absent and unavailable, and where there is no staff member formally acting in their role, the chairperson of the board of management, or in an ETB school the Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP.

4.3.4 Role of the DLP

Role of the DLP

- Reporting Requirements

  The DLP is responsible for ensuring that the reporting requirements outlined in chapter 5 of these procedures are followed correctly and promptly.
- Relevant Person

  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.
- Designated Liaison Person

  The DLP will be the designated liaison person for the school in dealing with Tusla, An Garda Síochána and other parties, in connection with allegations of and/or concerns about child abuse and neglect. Those other parties shall be advised by the DLP that they shall conduct all matters pertaining to the processing or assessment/investigation of alleged child abuse through the DLP.
- Role of DLP and Principal

  While the role of the DLP and the principal are separate, it is expected that the DLP will usually be the principal. Where the DLP is also the principal, the role of the principal as outlined in Section 4.4 should also be followed by the DLP.
- Children First Guidance and Copies of These Procedures Accessible to Personnel

  The DLP shall make copies of these procedures and *Children First National Guidance 2017* accessible to school personnel, as set out in section 4.1.1 of these procedures.

The pivotal role of the DLP in child protection is long established in the schools' sector and in recognition of the significant leadership skills required of the role, the DLP is normally the school principal.

The DLP's role in the day-to-day management and oversight of child protection reporting is particularly important. In that regard, the DLP acts as a key resource person to any member of school personnel who has a child protection concern, ensures that the reporting requirements of these procedures are followed correctly and promptly and that all appropriate records are properly maintained. As the DLP is normally the school principal, they will in such cases be responsible for providing the principal's report to each board of management meeting. Separate to the principal's report, as a standalone item, the principal shall provide a Child Protection Oversight Report, further details of which are set out in section 12.3.

4.3.5 Role of the DDLP

Role of the DDLP

- In the Absence of the DLP

  In the absence of the DLP, the DDLP shall assume their responsibilities, including helping to ensure that a child and/or family continue to be supported appropriately in the absence of the DLP.

- Support of DLP

  The DDLP shall support the work of the DLP in fulfilling that role. Including

  - supporting the DLP to ensure that the child protection procedures are followed;
  - supporting the DLP with accurate record keeping and ensuring that all reporting protocols are adhered to.

- Keeping Up to Date

  The DDLP shall be kept up to date with active cases to provide for a seamless substitution of the DDLP into the role of DLP in the case of an absence of the DLP.

Notwithstanding the support of the DDLP outlined above, in all cases:

- The Tusla duty social worker should always be contacted when the DLP requires advice.
- It is not the case that an allegation can be received by either the DLP or DDLP. If both the DLP and the DDLP are onsite, it is always the DLP who receives the report.
- There is one DLP in the school and one DDLP.
- The support of the DDLP cannot be used as a screening process or cause any time delay in reporting.
- In the case of an allegation against the DDLP, the DLP **cannot** seek the support of the DDLP when managing that case.

- **In the case of an allegation of abuse against the DLP, the chairperson of the board of management or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP. The DDLP shall support the chairperson or Chief Executive Officer in their role as DLP in such a case.**

The names of the DLP, the DDLP and the relevant person (that is, the person who is the first point of contact in respect of the provider's Child Safeguarding Statement (in a school setting this is the Designated Liaison Person) shall be recorded in the Child Safeguarding Statement.

4.4 Role of the Principal

The principal will usually be the Designated Liaison Person and will fulfil that role.

In addition to their role as DLP, and even in circumstances where the principal is not the DLP, the principal has a role in the oversight of child protection.

At each board of management meeting, as a standalone item, the principal shall provide a Child Protection Oversight Report. Details of the contents of that report are set out in sections 12.3.4 to 12.3.8 of these procedures.

4.5 Role of the Board of Management

4.5.1 Statutory Obligations

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 (which includes a risk assessment) 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. Children First Guidance 2017 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.

4.5.2 Implementation of Procedures

Boards of management are responsible for ensuring that the child safeguarding requirements of these procedures are implemented in full and must exercise appropriate oversight in this regard. The board of management shall also ensure that all the oversight requirements of these procedures, including those set out in chapter 12, are met in full by the board of management.

4.5.3 Confidentiality

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. They 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.

Any information or details that might identify a child or member of school personnel should not be recorded in the minutes of board of management meetings.

4.6 Role of the Chairperson of the Board of Management

4.6.1 Allegation of Abuse Against the DLP

Where there is an allegation of abuse against the DLP, the chairperson of the board of management or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP under section 5.3 and shall follow the procedures as set out in that section.

4.7 Role of Patron

4.7.1 Allegations Against Board of Management Members

Where an allegation or suspicion of child abuse regarding a member of the board of management has been reported by the DLP or employer to Tusla, the DLP shall inform the patron without delay that a report involving a board member has been submitted to Tusla and retain a record of doing so on the relevant case file. 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 their powers under section 16 of the Education Act 1998.

4.7.2 Information to Be Provided to the Patron

In accordance with section 14 of the Education Act 1998, the board of management manages the school on behalf of the patron. Section 14 of the Act requires that the board of management must consult with and keep the patron informed of decisions and proposals of the board. This requirement applies to the range of decisions and proposals of the board including any relating to child protection.

The patron must be provided with a copy of the Child Safeguarding Statement and the notification regarding the annual review of the Child Safeguarding Statement.

Records of the annual review of the Child Safeguarding Statement and its outcome shall be made available, if requested, to the patron.

The patron must also be informed where the board of management has not complied with the procedures set out in Chapter 12 and has not reported an allegation of abuse, nor instructed the DLP to report an allegation of abuse, against an employee to Tusla, where advised by Tusla to do so. In such cases, the patron shall consider what action to take and may direct the board of management and/or DLP to follow the procedures set out in this document.

4.8 The Role of Tusla and An Garda Síochána

The responsibility of school personnel, the DLP and the board of management is to ensure that child protection concerns are recorded and reported, as necessary, by following the steps outlined in these procedures. Tusla and An Garda Síochána follow their own procedures in investigating and following up on cases that are reported to them.

4.8.1 Child Protection and Welfare

The Child and Family Agency has a primary responsibility to promote the safety and well-being of children. An Garda Síochána also have statutory responsibilities for the safety and welfare of children.

4.8.2 An Garda Síochána: Role and Responsibilities

The involvement of An Garda Síochána in cases of alleged child abuse and neglect stems from its primary responsibility to protect the community and to bring offenders to justice. Where it is suspected that a crime has been committed, An Garda Síochána has overall responsibility for the direction of any criminal investigation. It is the function of An Garda Síochána to interview and take any statements that will form part of the criminal investigation file.

The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on, and to carry out prosecutions.

4.8.3 Joint Working Between Tusla and An Garda Síochána

There is a Joint Working Protocol in place for An Garda Síochána and Tusla. It is available on the Tusla website www.tusla.ie.

Chapter 5: Reporting of Concerns

Key Principles

- School personnel are especially well placed to observe changes in children's behaviour, their lack of development or outward signs of abuse.
- In any situation where a member of school personnel receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, they shall, without delay, report the matter to the designated liaison person (DLP).
- In all circumstances, where the DLP is unsure whether a report is required, they should contact Tusla for advice.
- Where a concern relates to the DLP, the member of school personnel shall report the matter to the chairperson of the board of management or in schools where the ETB is the employer, the Chief Executive Officer of the ETB or their delegate.
- All school personnel must have due regard to the need for confidentiality at all times. Requirements of confidentiality, as outlined elsewhere in this document, do not prevent the DLP from communicating with parents in relation to their child.
- All school personnel should be aware that section 17 of the Children First Act 2015 makes it an offence for a person to disclose information to a third party which has been shared by Tusla during the course of an assessment arising from a mandated report, save in accordance with law, or unless Tusla has given that person written authorisation to do so. Failure to comply with this section of the Act is an offence liable to a fine or imprisonment for up to six months or both.
- Where a child transfers from or leaves a school and where the DLP has previously made a child protection report relating to that child or is aware that a child protection report relating to that child has been made by a member of school personnel to Tusla in the past, the DLP should inform Tusla of the child's transfer/move.
- **Failure by any member of school personnel to report a matter to Tusla where advised by Tusla to do so or to otherwise fail to comply with these procedures is a serious matter. It may also be a disciplinary matter and should be reported to and dealt with separately by the employer in accordance with the relevant disciplinary procedures.**

Other Policies

- **Child Protection concerns shall not be dealt with under the school's parental complaints procedures.**
- Only where it has been assessed that there is no child protection concern, should the school consider using relevant local procedures to deal with the issue, including but not limited to the school's parental complaints procedure, *The Bí Cineálta Procedures to Prevent and Address Bullying Behaviour for Primary and Post-Primary Schools*, *Understanding Behaviours of Concern and Responding to Crisis Situations Guidelines for Schools*, disciplinary policies or the school's wellbeing policy.

5.1 When a Registered Teacher or Other Mandated Person Has a Child Protection Concern

As noted in Chapter 4, registered teachers are mandated persons under the Children First Act 2015 and therefore have specific statutory obligations. While reference is made to registered teachers, it also includes, and applies to, any other mandated person who may be employed by the school, for example a chaplain or nurse. Appendix 1 provides a full list of mandated persons.

5.1.1 Reporting to DLP

In any situation where a registered teacher, receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, they shall, without delay, report the matter to the designated liaison person (DLP).

The teacher shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail. Photographs should not be taken.

Any comment by the child concerned, or by any other person, about the circumstances of the alleged abuse or how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.

It should be noted that it is not the role of the school to investigate child protection concerns or to collect further evidence.

There should be no anonymisation of the record at this point. The record of the discussion shall be signed, dated and given to the DLP. It shall be retained on the child protection case file.

Where an allegation of abuse is made by an adult, a written statement should be sought from this person and retained on the child protection case file.

5.1.2 Reasonable Grounds for Concern

The DLP and the registered teacher must consider whether there are reasonable grounds for concern about the welfare and protection of the child.

5.1.3 Mandated and Joint Reporting

If the DLP and the registered teacher both agree that there are reasonable grounds for concern, they shall then jointly consider whether the concern in question is at or above the defined threshold of harm (as set out in Chapter 4 of these procedures) at which a report must be submitted as a mandated report to Tusla.

If the DLP and the registered teacher both agree that the concern is at or above the defined threshold of harm at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report to Tusla jointly by the DLP and the registered teacher.

A registered teacher who makes a mandated report to Tusla jointly with the DLP meets their statutory obligation to report to Tusla under the Children First Act 2015. However, if a mandated person does not report where the concern is at or above the defined threshold of harm, either themselves or jointly with the DLP, they have not fulfilled their statutory obligations. This is the case even where the DLP has reported on foot of the concern being raised.

5.1.4 Uncertainty on Whether to Report

Where the DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the DLP shall seek advice from Tusla as set out in section 5.3.3. The DLP shall inform the registered teacher that such advice is being sought and shall, when received, inform the registered teacher of the advice provided and keep a record of this fact.

Where Tusla advises that a mandated report should be made, the DLP and the registered teacher shall act on that advice and a mandated report shall, as soon as practicable, be submitted to Tusla jointly by the DLP and the registered teacher concerned.

Where either the DLP or the registered teacher (including where the DLP has sought and considered the advice of Tusla), has any remaining doubt as to whether the concern is at or above the defined threshold of harm for a mandated report, the DLP or the registered teacher (or both where applicable) shall submit the report to Tusla as a mandated report.

5.1.5 Concerns That Do Not Meet the Defined Threshold of Harm

Where the DLP and the registered teacher are both satisfied that the concern is not at or above the defined threshold of harm for a mandated report (including where the DLP has sought and considered the advice of Tusla) it does not need to be submitted as a mandated report.

However, where both consider that it constitutes reasonable grounds for concern the DLP shall as soon as practicable, report the concern to Tusla.

Where the DLP is submitting a report in such cases, the teacher is not required to submit a report to Tusla, and there is no requirement to make a joint report.

5.1.6 Not Reporting to Tusla

Where the DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report, the DLP shall advise the registered teacher that it still remains open to that teacher to seek advice from Tusla and to report the concern, or to report the concern as a mandated report, where they still consider that such a report is warranted.

The DLP shall give the registered teacher a clear statement in writing as to the reasons why the report is not being made, and a copy of that statement shall be retained by the DLP.

If the registered teacher decides to report the concern to Tusla themselves either as a mandated report or a non-mandated report , they shall provide a copy of the Tusla report form to the DLP, who shall retain a copy on the child protection case file.

5.1.7 Allegations Against School Personnel

Where the allegation concerns a member of school personnel, the DLP shall inform the employer (the board of management or ETB as appropriate) in line with Chapter 7 of these procedures.

5.1.8 Submitting Reports to Tusla

All reports shall be submitted to Tusla in accordance with Chapter 6 of these procedures. The Tusla report and acknowledgement email shall be placed on the child protection case file.

5.1.9 Where the Allegation Relates to the DLP

Where the allegation or concern relates to the DLP, the registered teacher 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 Officer of the ETB concerned or their delegate. In such cases, the chairperson or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate shall assume the role normally undertaken by the DLP and shall follow the reporting procedures set out in section 5.3 of this chapter for dealing with the allegation or concern.

5.2 Action to Be Taken by School Personnel (Non-Mandated Persons)

Members of school personnel who are not registered teachers or other mandated persons, including but not limited to caretakers, secretaries, and special needs assistants, also have reporting obligations.

5.2.1 Reporting to DLP

In any situation where a member of school personnel, receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, they shall, without delay, report the matter to the designated liaison person (DLP).

The member of school personnel shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail.

Any comment by the child concerned, or by any other person, about the circumstances of the alleged abuse or how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.

It should be noted that it is not the role of the school to investigate child protection concerns or to collect further evidence.

There should be no anonymisation of the record at this point. The record of the discussion shall be signed, dated and given to the DLP. It shall be retained on the child protection case file.

Where an allegation of abuse is made by an adult, a written statement should be sought from this person and retained on the child protection case file.

5.2.2 Reasonable Grounds for Concern

If the DLP considers that there are reasonable grounds for concern they shall submit a report to Tusla.

5.2.3 Uncertainty on Whether to Report

Where the DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the DLP shall seek advice from Tusla, as set out in 5.3.3 below. The DLP shall inform the member of school personnel that such advice is being sought and shall, when received, inform them of the advice provided and keep a record of this. Where Tusla advises that a mandated report should be made, the DLP shall act on that advice and a mandated report shall be submitted to Tusla.

Where the DLP (including where they have sought and considered the advice of Tusla), has any remaining doubt as to whether the concern is at or above the defined threshold of harm for a mandated report, the DLP shall submit the report to Tusla as a mandated report.

5.2.4 Concerns That Do Not Meet the Defined Threshold of Harm

Where the DLP is satisfied that the concern is not at or above the defined threshold of harm for a mandated report (including where the DLP has sought and considered the advice of Tusla) but considers that it constitutes reasonable grounds for concern the DLP shall as soon as practicable, report the concern to Tusla.

5.2.5 Not Reporting to Tusla

Where the DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report to Tusla, the DLP shall advise the member of school personnel that it still remains open to them to seek advice from Tusla and to report their concern.

The DLP shall give the member of school personnel a clear statement in writing as to the reasons why action is not being taken, and a copy of that statement shall be retained by the DLP. If the member of school personnel decides to report the concern to Tusla they shall also provide a copy of the Tusla report form to the DLP.

5.2.6 Allegations Against School Personnel

Where the allegation concerns a member of school personnel, the DLP shall also inform the employer (the board of management or ETB as appropriate) in line with Chapter 7 of these procedures.

5.2.7 Submitting Reports to Tusla

All reports shall be submitted to Tusla in accordance with Chapter 6 of these procedures.

5.2.8 Where the Allegation Relates to the DLP

Where the allegation or concern relates to the DLP, the member of school personnel 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 Officer of the ETB concerned or their delegate. In such cases, the chairperson or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate shall assume the role normally undertaken by the DLP and shall follow the reporting procedures set out in section 5.3 of this chapter for dealing with the allegation or concern.

5.3 Action to Be Taken by the DLP

This section sets out the procedures that the DLP must follow where concerns about a child are brought to their attention or where the DLP has their own concerns about a child.

5.3.1 Where the DLP Has Concerns About a Child

If the DLP is of the view that there are reasonable grounds for concern they shall submit a report to Tusla.

Where the DLP believes that the threshold for a mandated report has been met, they shall submit the report as a mandated report.

5.3.2 Where a Child Protection Concern Is Brought to the Attention of the DLP

The DLP shall make a written record of any concern brought to their attention by a member of school personnel and shall place this record in a secure location.

The DLP must ensure that the reporting requirements outlined in sections 5.1 (when a registered teacher or other mandated person has a child protection concern) and 5.2 (action to be taken by school personnel (non-mandated persons)) of this chapter are followed correctly and promptly.

5.3.3 Seeking Advice From Tusla

Where there are concerns about a child, but the DLP is not sure whether to report the matter to Tusla or whether a report should be submitted to Tusla as a mandated report, the DLP shall seek advice from Tusla. In consulting Tusla, the DLP shall be explicit that they are requesting advice and consultation and that they are not making a report. At this informal stage the DLP need not give identifying details.

Where Tusla advises that a report should be submitted as a mandated or non-mandated report, the DLP shall act on that advice.

5.3.4 Record Keeping and Communication With School Personnel

In all cases where the DLP has sought the advice of Tusla the DLP shall retain a record of the consultation which will note the date, the full name of the Tusla official and the advice given.

Where the concern was raised by a member of school personnel, including a registered teacher, the DLP shall inform them that Tusla's advice is being sought, shall inform them of the advice when received and keep a record of this fact. If the DLP decides that the concern of the member of school personnel, including that of a registered teacher, should not be reported to Tusla, the DLP shall give the member of school personnel a clear statement in writing, as to the reasons why action is not being taken. A copy of this statement shall be retained by the DLP and placed on the child protection case file.

The member of school personnel shall also be advised by the DLP that if they remain concerned about the situation, they are free to consult with or report to Tusla themselves. If the member of school personnel decides to report the concern to Tusla, they shall provide a copy of that report to the DLP.

5.3.5 Concerns about school personnel

Where the report concerns a member of school personnel, the DLP shall also inform the employer (the board of management or ETB as appropriate) in line with Chapter 7 of these procedures.

5.3.6 Informing Parents of a Child Protection Concern

The DLP should inform parents/carers when a child protection concern arises in relation to their child as soon as practicable after they become aware of the concern. It is important to deal with any such communication in a sensitive and tactful manner.

A DLP may choose not to inform parents/carers where the circumstances outlined at section 5.3.8 apply.

Requirements of confidentiality as outlined elsewhere in this document do not prevent the DLP from communicating with parents in relation to their child.

The communication may be by telephone, in a meeting or in written form. A record should be kept of this communication.

5.3.7 Informing a Parent/Carer That a Report Concerning Their Child Is Being Made to Tusla

Children First National Guidance 2017 outlines that it is good practice to inform the parent/carer that a report concerning their child is being made and the reasons for the decision to make the report.

Where a registered teacher is submitting a report to Tusla, the DLP, rather than the teacher concerned, shall assume the responsibility for informing the parent/carer.

5.3.8 When a Parent/Carer Should Not Be Informed of a Report to Tusla

It is not necessary to inform a parent/carer that a report is being made:

- If by doing so, the child will be placed at further risk; *or*
- In cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment; *or*
- If the reporter is of the reasonable opinion that by doing so it may place the reporter at risk of harm from the family.

In certain circumstances Tusla may have advised the DLP not to inform the parent/carer, and in such cases that advice should be followed.

The DLP shall note on the child protection case file where the parent/carer has not been notified for the above reasons.

Where the DLP is uncertain about informing the parent/carer they should seek advice from Tusla.

5.4 Action to Be Taken When a Parent Reports a Child Protection Concern About Their Own Child

5.4.1 Report to DLP

In any situation where a parent reports to a member of school personnel a concern that their child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, the member of school personnel shall, without delay, report the matter to the DLP following the reporting processes outlined in this chapter. This includes reports of abuse of a student by another student or students.

Where a parent reports directly to the DLP a concern that their child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, the DLP shall follow the reporting processes outlined in this chapter.

5.4.2 Seeking Advice from Tusla

Where there are concerns about a child, but the DLP is not sure whether to report the matter to Tusla or whether a report should be submitted to Tusla as a mandated report, the DLP shall seek advice from Tusla.

Where the DLP has any doubt as to whether to inform a parent that a report concerning their child is being made to Tusla, in cases where any of the conditions at section 5.3.8 above apply or in any other circumstances, the DLP shall seek the advice of Tusla. This also applies in cases where there may be the requirement to notify parents of children in the case of allegations of abuse of a student by another student or students.

5.4.3 Where the Allegation Relates to the DLP

Where an allegation or child protection concern relates to the DLP, the parent/carer may report the matter directly to the chairperson of the board of management or, in schools where the ETB is the employer, to the Chief Executive Officer of the ETB concerned or their delegate.

Where a parent/carer has informed a member of school personnel about a child protection concern related to the DLP, the member of school personnel shall, without delay, report the matter to the chairperson of the board of management or to the Chief Executive Officer of the ETB concerned or their delegate.

In such cases, the chairperson or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP and shall follow the reporting procedures set out in section 5.3 of this chapter for dealing with the allegation or concern.

5.4.4 Reporting Directly to Tusla

In the circumstances outlined in sections 5.4.1 and 5.4.3 above, the parent/carer may also report their child protection concern directly to Tusla.

5.4.5 Communicating With Parents/Carers After an Allegation of a Child Protection Concern Has Been Received About Their Child

The DLP should acknowledge the receipt of an allegation of a child protection concern from a parent/carer as soon as is practicable.

In addition, the DLP shall, as soon as feasible, and in any case within five school days of the parent/carer making the allegation (whether to the DLP, the board of management or another member of school personnel) issue a written notification to the parent concerned which sets out:

a) That in accordance with the requirements of the Child Protection Procedures for Schools 2025

   1) the matter has been reported by the DLP to Tusla; *or*

   2) Tusla advice has been sought in respect of the matter by the DLP and on foot of that advice the matter was not reported to Tusla; *or*

   3) the DLP determined that the matter did not constitute reasonable grounds for concern as set out under these procedures and therefore did not require reporting to Tusla and the reasons for that determination.

b) That it is open to the parent concerned to contact Tusla directly in relation to the matter should the parent wish to do so.

c) That any allegation of abuse against a school employee reported to Tusla will be dealt with under the relevant procedures set out in chapter 7 "Allegations of Suspicions of Child Abuse regarding School Employees" of the *Child Protection Procedures for Schools 2025*.

5.4.6 Where Notification Has Not Been Received by the Parent Within the Timeframe Required

Where a parent has not received the written notification from the DLP within five school days of the parent making the allegation, the parent may raise the matter directly with the DLP. If the written notification is not then received by the parent within an additional five school days of raising the matter with the DLP, the parent may notify the chairperson of the board of management in writing of this fact. In such circumstances, the board of management shall direct the DLP to ensure that a notification containing the information specified in section 5.4.5 of the procedures is issued to the parent within ten school days of the board of management receiving the parent's written communication.

5.5 Action to Be Taken Where a Person, Not a Member of School Personnel, Raises a Child Protection Concern That Is Not About Their Own Child

A person external to the school community may raise a child protection concern in relation to a child attending the school with a member of school personnel.

A parent of a child in the school may raise a concern in relation to a child who is not their own.

A student attending the school may raise a concern in relation to a child attending the school.

5.5.1 Report to DLP

In any such situation where a person reports to a member of school personnel a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, that member of school personnel shall, without delay, report the matter to the DLP, according to the reporting processes in this chapter. This includes reports of abuse between students.

The DLP shall then follow the procedures as set out in section 5.3 of this chapter.

Where a person reports directly to the DLP a concern that a child attending the school may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect, the DLP shall follow the reporting processes outlined in this chapter.

5.5.2 Where the Allegation Relates to the DLP

Where an allegation or concern relates to the DLP, the person may report the matter directly to the chairperson of the board of management or, in schools where the ETB is the employer to the Chief Executive Officer of the ETB concerned or their delegate.

Where a person has informed a member of school personnel about an allegation related to the DLP, the member of school personnel shall, without delay, report the matter to the chairperson of the board of management or to the Chief Executive Officer of the ETB concerned or their delegate.

In such cases, the chairperson or, in schools where the ETB is the employer, Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP and shall follow the reporting procedures set out in section 5.3 of this chapter for dealing with the allegation or concern.

5.5.3 Communication With Person Who Reported Allegation

As the report has been brought to the attention of the member of school personnel or the DLP by a third party, there is no requirement to provide an update in relation to actions taken about the allegation, including whether advice was sought from Tusla or whether a report was made to Tusla.

However, it is good practice for the DLP to acknowledge receipt of the concern and inform the person that they will follow the established child protection procedures. A copy of any such acknowledgement shall be retained on file.

5.5.4 Reporting Directly to Tusla

In the circumstances outlined in sections 5.5.1 and 5.5.2 above, the person may also report their child protection concern directly to Tusla.

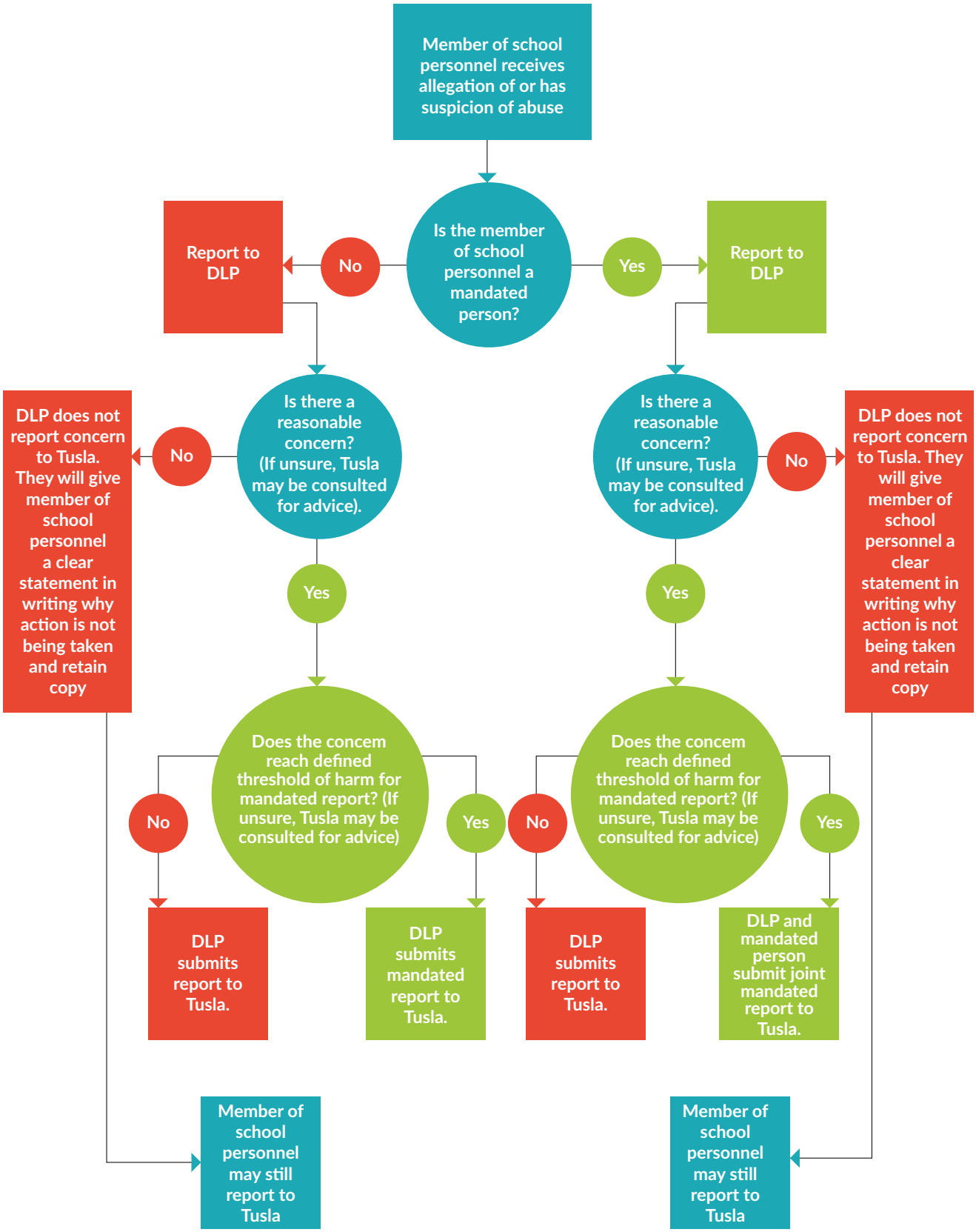
5.6 Informing the Employer

Where an allegation of abuse is made against a member of school personnel, the DLP shall always inform the employer (the board of management or ETB as appropriate) as outlined in chapter 7 of these procedures. This applies whether or not the matter is being reported to Tusla. In addition, the relevant procedures regarding allegations of abuse made against school personnel outlined in chapter 7 of these procedures shall be followed.

5.7 Children Who Transfer Schools

Where a child transfers from or leaves a school (including transfers from primary to post-primary or where the child is understood to be leaving the jurisdiction), and where the DLP has previously made a child protection report relating to that child, or is aware that a child protection report relating to that child has been made by a member of school personnel to Tusla in the past, the DLP should inform Tusla of the child's transfer/move. A record of this should be retained on the child protection file relating to the original referral.

Reporting of Concerns - Key Steps



Chapter 6:
How to Make a Report to Tusla

Key Principles

- All child protection and safeguarding concerns should be reported to Tusla using its secure web portal.
- **Where urgent intervention is needed to ensure the safety of a child, a report must be made to Tusla by phone to the Dedicated Contact Point.** The national contacts for Tusla can be found on the Tusla website www.tusla.ie. Each school should be familiar with the contact details for the Tusla team in its own area or region. A written report should subsequently be made.
- **If it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay. A record of this contact should be retained on file.**

6.1 Reporting to Tusla

6.1.1 Method of Reporting

All child protection and safeguarding concerns should be reported to Tusla using its secure web portal available on www.tusla.ie.

For all references to the Tusla report form in this and other sections, those making a report should see these as referring to the use of Tusla's secure web portal. A concern may be made known initially to Tusla either in person, by phone or in writing, to the local social work duty service in the area where the child lives.

Tusla has indicated that it is helpful if persons wishing to report child abuse concerns make personal contact with them. This will facilitate the duty social worker in gathering as much information as possible about the child and their parents/carers.

6.1.2 Contact Details for Tusla

The national contacts for Tusla can be found on its website www.tusla.ie. Each school should be familiar with the contact details for the Tusla team in its own area or region. A hard copy of the contact details should be kept with a copy of these procedures and should be updated regularly.

6.1.3 Tusla Report Form

In the case of any concern (whether the concern was made known initially in person, by phone or in writing to either Tusla or An Garda Síochána), the Tusla Report form available on the Tusla website www.tusla.ie shall be completed and forwarded to Tusla as soon as

possible thereafter. Although all information requested might not be available to the person making a report, the Tusla Report form shall be completed as comprehensively as possible. This should be printed from the web portal immediately after reporting as it may not be accessible afterwards.

6.1.4 Where Tusla's Web Portal Cannot Be Accessed

If, for some reason, the reporter cannot access Tusla's web portal, they may download the Child Protection and Welfare Report Form from the Tusla website and send it by registered post to the Dedicated Contact Point for the area where the child lives.

6.1.5 Where Urgent Intervention Is Needed

Where urgent intervention is needed to ensure the safety of a child, a report must be made to Tusla by phone to the Dedicated Contact Point. A written report should subsequently be made through the Web Portal or by registered post, as described above.

Under no circumstances should a child be left in a situation that exposes them to harm or risk of harm pending intervention by Tusla. **If it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay.**

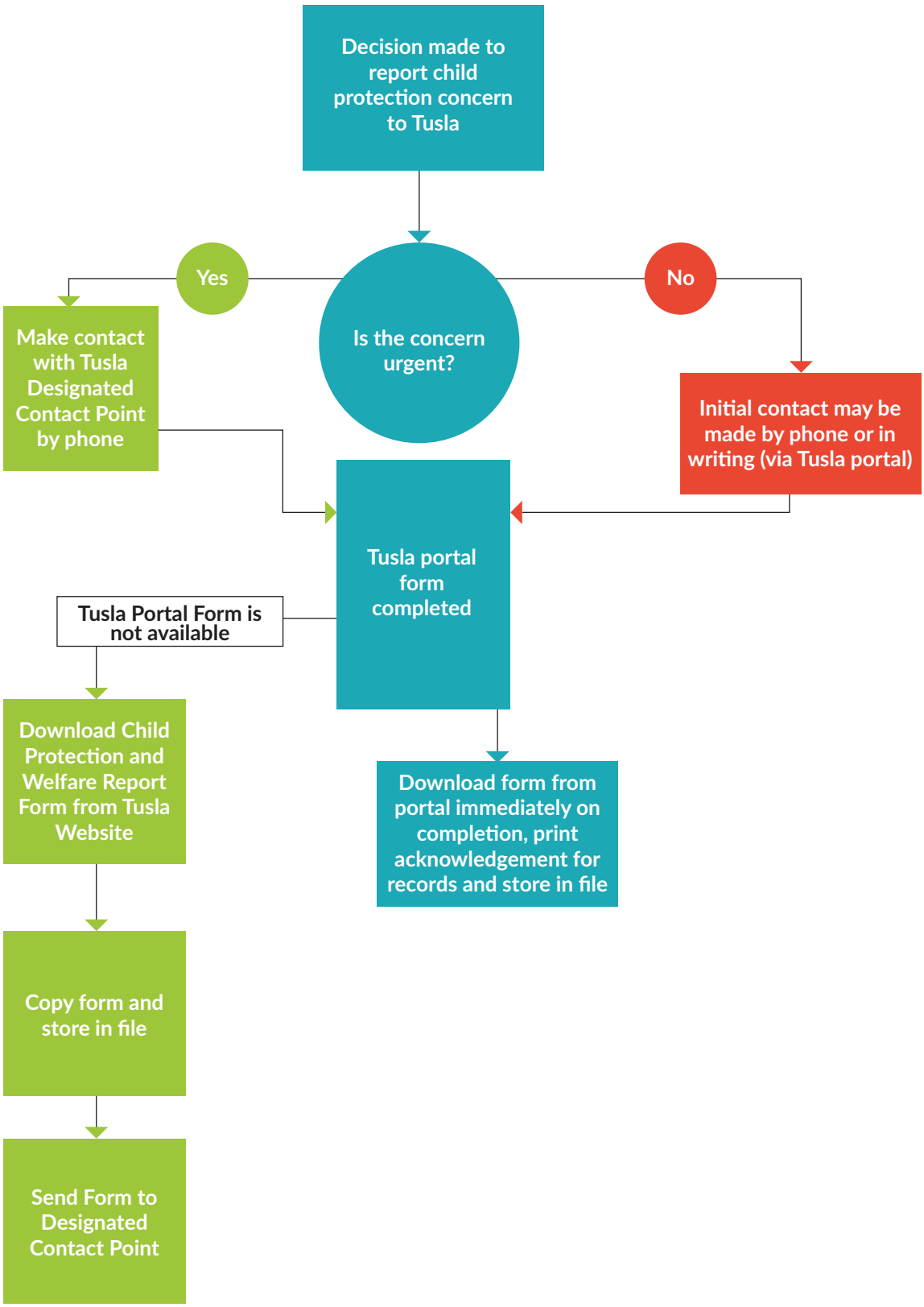
6.1.6 Mandated Persons

All reporting methods provide an option for mandated persons to indicate that the report is mandated.

Mandated persons should also note:

- Under the Children First Act 2015 mandated persons are required to make a written report as soon as practicable using the Tusla Report form. The mandated person should indicate, in the manner required on the form, that the report is a mandated report under the Children First Act 2015.
- All mandated reports received by a Tusla authorised person will receive a formal acknowledgement of receipt by Tusla.
- Mandated persons are not required to report the same concern more than once. However, if a mandated person becomes aware of any additional information a further report shall be made.
- There is no requirement for a mandated person to make a report to Tusla solely on the basis of being informed that a report was made, or assistance provided, to Tusla by another person either as a mandated person or jointly with a mandated person.
- Where a mandated person acting in the course of their employment or profession as a mandated person knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm and should be removed to a place of safety, they may make a report to Tusla other than by means of the Tusla Report form. In such cases, a Tusla Report form must be submitted as soon as possible thereafter but in any event not later than 3 days after the making of the first-mentioned report.

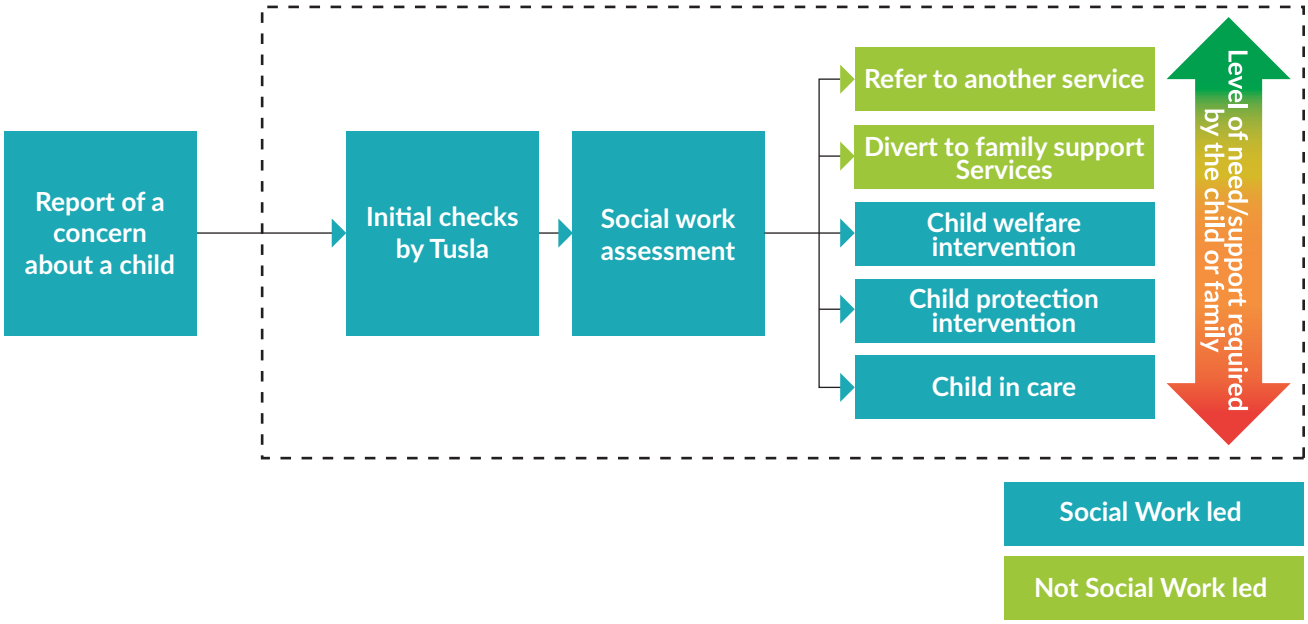
How to make a report to Tusla



6.2 What Happens After a Report Is Received by Tusla

The below diagram outlines the general approach that Tusla takes on receipt of a concern about a child. Tusla's website also hosts a range of resources to explain the approach taken.

Further details are available at www.tusla.ie.



Chapter 7:
Allegations or Suspicions of Child Abuse Regarding School Employees

Key Principles

- The protection of children, and their safety and well-being must be the priority, and no child should be 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.
- In the context of allegations or suspicions of child abuse regarding school employees, the primary goal is to protect the children within the school.
- Each school authority has a duty of care, as an employer, in respect of its employees.
- 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.
- Employers should be aware of and comply with employment legislation and any other relevant employee relations policies.
- **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.**
- It is essential that the matter is treated in the strictest confidence at all times and that the identity of the employee shall not be disclosed, other than as required under the procedures within this document.
- The requirement for treating matters in confidence does not prevent a DLP from informing a parent/carer about an allegation of abuse that is related to their child.

7.1 Introduction

This chapter is intended to provide guidance to schools in situations where an allegation of abuse is made against a school employee, including where that employee advises the DLP that there is an allegation about themselves, or an ongoing investigation. It aims to assist employers in having due regard to the rights and interests of the children under their care and those of the employee against whom an allegation is made.

The term “school personnel” as used in these procedures is a generic term that refers to those who are or were involved in the operation of the school. This includes employees and volunteers, board of management members, student teachers and those on work experience. The term “employee” is used in this chapter to reflect the employer-employee relationship between the school authority and a member of school personnel.

Although a volunteer is not an employee, the procedures set out below, where relevant and appropriate, shall also be used in situations where an allegation of abuse is made against a volunteer.

In the case of primary schools (other than primary schools operating under an ETB), voluntary secondary schools and community and comprehensive schools the board of management is the employer. In the case of other schools which operate under an education and training board, the ETB is the employer. In this chapter, the phrase "the employer" is used to refer to the board of management or the ETB, as appropriate.

In the case of allegations of abuse against ETB employees, the provisions of this chapter shall reflect the relevant governance and employment arrangements applicable to ETB schools, including as appropriate the role of the Chief Executive Officer or their delegate in employment matters.

The school patron has no role in employer/employee matters, save in circumstances where the patron is also the employer. Similarly, the department has no role in employer/employee matters.

7.1.1 Procedures to Be Followed

There are two sets of procedures to be followed where there is an allegation against a school employee:

- The reporting of the child protection concern to Tusla (as set out at section 7.2);
- The procedure for dealing with the employment matters (as set out at section 7.3 and 7.4).

Where there is an allegation against a member of school personnel, it is recommended that the same person would 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. The employer is responsible for addressing the employment issues.

7.2 Reporting Procedure

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

If 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.

If an allegation of abuse is made by an adult, a written statement should be sought from them. The ability of Tusla or the employer to assess suspicions or allegations of abuse will depend on the quality of information conveyed to them.

7.2.1 Reporting to DLP

Any member of school personnel, who receives an allegation of or forms suspicions of abuse against a school employee, shall report the matter without delay to the DLP as outlined in Chapter 5 of these procedures.

The DLP shall follow the relevant procedures outlined in chapter 5 of these procedures. The DLP shall also report the matter to the employer who shall proceed in accordance with the employment related procedures outlined in this chapter.

7.2.2 Reporting to Tusla

Where the DLP is informed about an allegation or concern relating to a school employee, they shall, in accordance with chapter 5:

- Consult with Tusla.
- If satisfied that there are reasonable grounds for the suspicion, report the matter to Tusla immediately.
- Where applicable, submit the report as a mandated report or a joint mandated report.

Registered teachers shall also follow the procedures at section 5.1 of these procedures including where appropriate those relating to mandated reports and joint mandated reports.

7.2.3 Informing the Employer

The DLP shall always inform the board of management or in schools where the ETB is the employer, the Chief Executive Officer of the ETB or their delegate, of an allegation of abuse against a school employee. This shall be done immediately:

- Where the emergency protocol has been invoked as set out in section 7.3.6.
- Where an allegation against a school employee is not being reported to Tusla, in circumstances where Tusla has advised that the allegation should be reported to them or where no advice has been sought from Tusla (as set out in section 12.3.4 (f) and (g)).

In other circumstances, employer is informed by way of the oversight procedures as set out in 12.3.4.

7.2.4 Chairperson of Board of Management – Seeking Advice From Tusla

The chairperson shall seek advice from Tusla on behalf of the board of management, in the following circumstances as set out in the oversight procedures in Chapter 12.

- 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 an allegation of abuse against a school employee to Tusla where they have been advised by Tusla that the matter should be reported.

Where Tusla advises reporting the matter, the chairperson will submit the report or direct the DLP to do so.

Where the board of management has not complied with these procedures and has not reported a matter to Tusla where Tusla has advised that such a report should be made or not directed the DLP to report the matter to Tusla, the chairperson shall notify the school patron in writing of this fact. The patron shall consider what actions shall be taken which may include directing the board of management and/or the DLP to comply with the procedures.

7.2.5 Where the Allegation Relates to the DLP

Where an allegation or concern relates to the DLP, the member of school personnel 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 Officer of the ETB concerned or their delegate. In such cases, the chairperson or Chief Executive Officer or their delegate 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.

7.2.6 Allegations Against Board of Management Members

Where an allegation or suspicion of child abuse regarding a member of the board of management has been reported by the DLP or employer to Tusla, the DLP shall inform the patron(s) without delay that such a report has been submitted to Tusla and retain a record of doing so on the relevant child protection case file.

It is a matter for the patron(s) to determine if any action is necessary regarding the member's continued role on the board of management, including in relation to access to the school property or other mitigation measures, and whether the patron(s) shall exercise their powers under section 16 of the Education Act 1998. The school may wish to seek advice on this matter from the patron and/or legal advice.

7.2.7 Allegations Against a Person Connected to the School but Who Is Not a School Employee

Where a DLP becomes aware of a child protection concern in relation to a person connected to the school but who is not a member of school personnel, the DLP shall raise the matter with the board of management and/or the ETB depending on the circumstances, in order to consider whether any further action is necessary. This may be done as part of an ordinary board of management meeting or, where circumstances require, an emergency meeting of the board may be called. The school should seek advice from Tusla and legal advice on this issue.

7.2.8 Liaising With Tusla/An Garda Síochána

The employer shall maintain close liaison with Tusla or An Garda Síochána following up regularly, a minimum of once per term, on the status of any ongoing investigation(s). The employer shall also keep Tusla informed of any child safeguarding actions it has taken or proposes to take in respect of the employee. Any decisions on the position of the school employee shall be taken having due regard to any information or advice given to the employer by these authorities.

7.2.9 Where a Member of School Personnel Leaves the School

Where, in advance of the completion of a Tusla assessment or An Garda Síochána investigation of a child protection concern raised against a member of school personnel, that member of school personnel:

- Leaves their employment with the school, for example through resignation, retirement, or the cessation of the employment relationship.
- Takes up approved leave.
- Is no longer attending the school for any other reason.

The DLP shall update Tusla and provide them with this, and any other relevant information including whether the Teaching Council has been informed.

In addition, in line with the requirements under the *Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023* where the employee is a registered teacher and resigns following a complaint made against them, or is dismissed by the employer, the employer must notify the Teaching Council. The full wording and the information to be provided to the Teaching Council is set out in those regulations.

7.3 Action to Be Taken by Employer in Relation to the Employee

Any actions as outlined in this section in relation to the employee, are exclusively a matter for the employer. The applicable circulars relating to disciplinary matters and other relevant issues continue to apply in such circumstances.

7.3.1 Confidentiality

Any actions taken by the employer in respect of the employee including, but not limited to disciplinary proceedings, or the placing of the employee on administrative leave, are a matter between the employer and employee in question and must be handled in the strictest confidence. The identity of the employee shall not be disclosed, other than where required under the protocol authorising immediate action and the school's disciplinary procedures.

A third party or the person who made the allegation in respect of a member of school personnel, 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. This person does not have any entitlement to information regarding the progress or conduct of any investigations or proceedings.

This requirement for confidentiality does not prevent a DLP from informing a parent in relation to a child protection concern that has arisen in relation to their child.

7.3.2 Legal Advice

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.

7.3.3 Informing the Employee

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

a) The fact that an allegation has been made against them.

b) The nature of the allegation.

c) Whether or not the matter has been reported to Tusla (either by the DLP, employer, or otherwise).

d) Details of supports available to the employee, including, where relevant, the Employee Assistance and Wellbeing Programme for Teachers and Special Needs Assistants.

The employee shall be given a copy of the written record and/or allegation, and any other related documentation.

7.3.4 Opportunity to Respond

Where an allegation 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 their response to the employer will also be passed on to Tusla and advised that they may opt not to respond at this juncture.

7.3.5 Safeguarding Measures

Where an allegation regarding a member of school personnel has been made, the first priority is to ensure that no child is exposed to unnecessary risk. The employer shall consider any necessary protective and safeguarding measures to limit this risk. The employer may be guided by Tusla in relation to any safeguarding measures to be implemented.

7.3.6 Protocol Authorising Immediate Action – Need for Immediate Safeguarding

The DLP may become aware of, or be informed by Tusla or An Garda Síochána of, a risk to a child or children that requires urgent safeguarding actions to be taken. This may occur during the course of a school day or just prior to the commencement of a school day.

In cases where the immediate absenting of an employee from the school is necessary, employers must have in place a written protocol for authorising immediate action (see Appendix 3 – Protocol authorising immediate action). This protocol should be put in place by the employer and should be confirmed by the board of management as part of the completion of the Child Safeguarding Statement.

Where such an urgent safeguarding requirement requires an employee to be immediately absented from school, the steps as set out in Appendix 3 shall be followed.

As 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 may need to be activated immediately. In such circumstances, the activation of the protocol **must not be delayed** pending or contingent on the convening of a meeting of the board of management or the receipt of legal advice.

7.3.7 Where an Employee Is Directed to Absent Themselves

It is important to note that the actions under the protocol are intended to be precautionary and not disciplinary. Where an employee has been directed to absent themselves from the school, such an absence does not imply any degree of guilt on the part of the school employee.

7.3.8 Steps to Be Followed After Absenting the Employee

Once the safeguarding action of absenting the employee under the protocol has been put in place:

- 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 or ETB as appropriate. This may be done in tandem with the reporting of the allegation or by way of a separate notification to Tusla.
- Where the department is paymaster, they should be contacted immediately to seek:
  1. formal approval for continuation of pay for a limited period to allow for the convening of the emergency meeting; *and*
  2. sanction for the employment of a substitute where this is necessary for a limited period to allow for the convening of the emergency meeting.

  In such circumstances, the department can be contacted at teachersna@education.gov.ie.
- An emergency meeting of the employer shall be convened.

7.3.9 Emergency Meeting of the Employer

Following the activation of the protocol, an emergency meeting of the employer shall take place at which the employer will consider formally placing the employee on administrative leave.

The employee is invited to attend and may be accompanied by an appropriate person (for example a colleague, friend, trade union representative or support person) of their choice.

The emergency meeting shall only be for the following purposes:

- Considering placing the employee on administrative leave or ceasing administrative leave.
- Considering other safeguarding measures, which do not involve placing the employee on administrative leave.

At this meeting there shall not be any investigation in relation to the substance or credibility or otherwise of the allegation, and the employee shall not be asked to respond to the allegation.

7.3.10 Informing Tusla of Outcome of Emergency Meeting

Immediately after the emergency meeting of the employer, Tusla shall be informed whether the employee has been formally placed on administrative leave.

Where it has been decided not to place the employee on administrative leave, advice shall be sought from Tusla on alternative child safeguarding measures to be taken. Tusla shall be informed as to any alternative child safeguarding actions that have been taken.

7.3.11 Informing the Department of Outcome of Emergency Meeting

Where the department is the paymaster, the department shall be immediately informed of the decision of the employer in relation to formally placing the employee on administrative leave.

Where the employee has been placed on administrative leave the employer shall seek the department's formal approval for the continuation of pay and sanction for the employment of a substitute where this is necessary. Administrative leave should be reviewed by the employer at least once per term.

7.4 Disciplinary Action

Any disciplinary action required shall align with established disciplinary procedures and shall only be taken following consultation with Tusla and, where appropriate An Garda Síochána.

Where an allegation against a member of teaching staff is being dealt with under the disciplinary procedures for teachers, the matter shall be dealt with under the procedure relating to work, conduct and matters other than professional competence.

7.4.1 Relationship Between Disciplinary Procedures and Tusla/An Garda Síochána Processes

While 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, 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.

The employer should maintain a close liaison with these authorities to achieve this and take legal advice in relation to same.

The employer should also 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. Any decision on whether or not to proceed with disciplinary proceedings should be taken in light of that advice.

7.4.2 Staying Disciplinary Proceedings

Where it has been decided to stay disciplinary proceedings pending the outcome of any Tusla assessment or An Garda Síochána investigation, the following shall be communicated to the employee:

- That a decision to stay disciplinary proceedings has been made.
- The reasons for that decision.
- 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.
- That the employer may have regard to the outcome of any such assessment/investigation in deciding what, if any, disciplinary action to take.

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).

If 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.

7.4.3 Continuing With Disciplinary Proceedings

Disciplinary proceedings do not always have to be stayed pending the outcome of any Tusla assessment or An Garda Síochána investigation.

Where it is proposed to continue with disciplinary proceedings, before making the decision to do so, the employer shall:

- Take legal advice.
- Have regard to the obligation not to frustrate the Tusla assessment or An Garda Siochána investigation.
- Have regard to the obligation to afford fair procedures to the employee.
- Inform the employee that it is proposed to continue with disciplinary proceedings.
- Have regard to the basis for any objection that the employee may make to the proposal to continue with disciplinary proceedings.

7.4.4 Information Provided for Disciplinary Hearing

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.)

7.5 Action to Be Taken Where a Child Protection Concern Is Raised by Parent/Carer About a Member of School Personnel

Where a parent/carer of a child in the school makes an allegation of abuse against a member of school personnel the following additional procedures shall be followed by the DLP and the board of management as applicable.

7.5.1 Notification to Parent

It is good practice for the DLP to acknowledge the receipt of an allegation as soon as is practicable after its receipt.

In addition, the DLP shall, within five school days of the parent/carer making the allegation (whether to the DLP, the board of management or another member of school personnel) issue a written notification to the parent concerned which sets out:

- That in accordance with the requirements of the *Child Protection Procedures for Schools 2025*:
  - the matter has been reported by the DLP to Tusla; *or*
  - Tusla advice has been sought in respect of the matter by the DLP and on foot of that advice the matter was not reported to Tusla; *or*
  - the DLP determined that the matter did not constitute reasonable grounds for concern as set out under these procedures and therefore did not require reporting to Tusla and the reasons for that determination.
- That it is open to the parent/carer concerned to contact Tusla directly in relation to the matter, should the parent wish to do so.
- That any allegation of abuse against a school employee reported to Tusla will be dealt with under the relevant procedures set out in chapter 7 "Allegations of Suspicions of Child Abuse regarding School Employees" of the *Child Protection Procedures for Schools 2025*.

7.5.2 Where Notification Has Not Been Received

Where a parent/carer has not received the written notification from the DLP within the required timeframe, the parent may raise the matter directly with the DLP. If the written notification is not then received by the parent/carer within an additional five school days of raising the matter with the DLP, the parent/carer may notify the chairperson of the board of management in writing of this fact.

In such circumstances, the board of management shall direct the DLP to ensure that a notification containing the information specified in section 7.5.1 of these procedures is issued to the parent within ten school days of the board of management receiving the parent's written notification. A board of management meeting may need to be convened at short notice to deal with the matter. The sole purpose of this meeting is to direct the DLP to issue the notification to the parent.

7.5.3 Where an Allegation of Abuse Is Against the DLP

Where a parent of a child in the school makes an allegation of abuse against the DLP, the chairperson of the board of management or, in schools where the ETB is the employer, the Chief Executive Officer or their delegate, shall assume the role normally undertaken by the DLP under section 5.3 and shall follow the procedures as set out above.

7.6 Information Sharing by Tusla

Tusla has in place a policy and procedures for its staff that must be followed in relation to responding to allegations of child abuse and neglect which includes procedures for the sharing of information with an employer where such an allegation is made in respect of an employee.

The decision in relation to whether or not the person should be absented from the school, is entirely a matter for the employer and Tusla has no role in this regard. However, where an allegation of child abuse has been made in respect of a school employee, Tusla can advise a school employer as to the adequacy from a child protection perspective of any steps the school employer proposes to take to protect children.

While an assessment by Tusla is ongoing, Tusla can only provide an update on the progress of that assessment to the school employer where doing so does not prejudice the individual's right to fair procedure. This would usually require information that is to be shared with a school employer to be agreed between Tusla and the person who is subject of the allegation prior to the school employer being informed. An individual who is subject of an assessment may ask that information is not shared and in such circumstances, unless Tusla is of the view that not sharing information puts children at potential risk, Tusla would have to respect the wishes of the individual concerned. In such situations Tusla may therefore be very limited as to what information it can provide to a school employer and may be restricted to just confirming that an assessment is still ongoing.

If, after its investigation, Tusla reaches a conclusion that an allegation is "founded" it will inform the school employer and the relevant registration body (for example, the Teaching Council in the case of registered teachers).

Where Tusla has concluded that the allegation is "founded", Tusla will provide a copy (some content may be redacted where it is not relevant to the school's disciplinary process) 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".

Where an allegation of abuse against a member of school personnel has been made directly to Tusla i.e. has not been reported to Tusla by the school, Tusla will contact the relevant school employer where it considers that there is a risk to children.

Before it informs the relevant school employer, Tusla will normally first inform the school employee that it intends to do so. However, in circumstances where there is a potential immediate risk to any child, the safety of the child is paramount and in such circumstance, Tusla may deem it necessary to first make contact with the school employer, prior to contacting a person subject to the abuse allegation, so as to ensure the safety of any child thought to be at immediate risk.

Such actions will be taken on the basis that no conclusion in respect of the accuracy of allegations made against an individual will be made until such time as the social work assessment by Tusla is complete. In all cases, Tusla will inform the school employee where it shares information about an allegation with an employer. The extent to which details of allegations made against the school employee can be shared by Tusla, in such circumstances, will depend on their level of concern and the relevance of the specifics of the allegations to their child protection planning.

Chapter 8: Record Keeping

Key Principles

- When child abuse or neglect is suspected, it is essential to have a written record of all the information available.
- **When a concern relevant to child protection is raised with the DLP, this always generates a case file.**
- A hard copy file containing original papers/records must be maintained by the DLP for all child protection concerns.
- **All original papers/records must be retained in full, unaltered and unredacted on the relevant hard copy file which must be regarded as highly confidential and must be stored in a secure location by the DLP, that can only be accessed by the DLP or DDLP.**
- Redaction only applies when copies of specified records are made, and those copies are redacted/anonymised for distribution to the board of management for oversight purposes in the principal's Child Protection Oversight Report (CPOR).

8.1 Record Management

When a child protection concern/allegation is raised with the DLP, a hard copy child protection case file must be opened.

All records created shall be regarded as highly confidential and placed in a secure location. Please note section 1.1.11 of these procedures regarding data protection and GDPR requirements.

It is good practice for a DLP to have a set of blank child protection case files/documents ready for use. These are available on www.gov.ie/childprotectionschools and can be photocopied or printed from a digital copy.

8.1.1 Storing Child Protection Files

A hard copy file containing original papers/records must be maintained by the DLP for all child protection concerns. Where any records have been created digitally, these must be printed out and placed on the hard copy file. All digital copies and drafts must be securely and permanently deleted.

All original papers/records must be retained in full, unaltered and unredacted on the relevant child protection case file. The child protection case file must be stored in a secure location by the DLP, that can only be accessed by the DLP or DDLP.

8.2 Child Protection Case File

When a child protection concern/allegation is raised with the DLP, a hard copy child protection case file must be opened.

8.2.1 Case File Numbers

All child protection case files must be assigned a unique case file number. This allows for the effective recording and tracking of relevant records and actions.

8.2.2 Unique Codes and Serial Numbers

Any case files that are presented for oversight to the board as part of the CPOR must have a unique code or serial number assigned to relevant parties referenced in such files.

Unique codes or serial numbers are not required where the case file is not being presented to the board of management for oversight as part of the CPOR.

The codes are used by the principal to support confidentiality in referring to a case at a board of management meeting. They facilitate effective anonymisation and redaction, as necessary, to ensure the identities of any children and any other parties, including a member of school personnel to whom a concern or report relates, are not disclosed to the board as part of their oversight of child protection.

The codes should always be used in recording any references to a case or party in the minutes of a board of management meeting. Parties should never be identified in such minutes.

When anonymising the identity of a member of school personnel, the DLP shall use a unique code or serial number which must be reused if there is a subsequent allegation of abuse against this member of school personnel.

Not all persons named or referred to in a file or record will need to be assigned a code. The test is whether the person's identity if known or disclosed could, in the particular circumstances of the case, lead to the identification of the child(ren) to whom a concern or report relates or the person against whom an allegation has been made.

8.2.3 List of Unique Codes and Serial Numbers

This is a list of all codes used in the file which clearly link each code with the child or party to whom it has been assigned. It is best placed on the inside cover of the case file and should be updated as required as further records referring to any new parties are placed on the file.

An example of such a list is:

List of codes in Case File 01/Year

The following codes have been assigned to child(ren)/parties in this file:

- 'Child A' is Ann Adams.
- 'Adult A' is Mr Adam Adams.

8.2.4 How to Assign a Code

There is no particular method or system of assigning codes that must be used under these procedures, and schools are free to use existing systems or develop and use their own.

The codes assigned should not be such as to allow for identification of the parties. It should, in particular, be noted that the following should not be used as codes:

- A POD or P-POD number, as that number could potentially identify the child in question.
- The initials of the child or other parties relevant to the case.
- PPS numbers.

The DLP shall ensure that the DDLP is sufficiently familiar with the filing and coding system in place to enable the DDLP to access records and undertake reporting, record keeping and other duties of the DLP where required to do so in the absence of the DLP.

8.2.5 Redaction

Redaction only applies when copies of specified records are made and those copies are redacted/anonymised for distribution to the board of management for oversight purposes in the principal's Child Protection Oversight Report (CPOR), details of which are set out in Chapter 12. Redaction/anonymisation is solely for the purpose of protecting the identities of children and other parties and should only be used as is necessary to ensure that those identities not disclosed. Other information pertinent to the case should not be redacted.

8.3 Child Protection Master List

The Master list will contain details of each case file number and the details of the child or member of school personnel in respect of whom the file was created.

An example of such a list is:

Case File Number	Tusla Case Number (if applicable)	Category of concern, i.e. school personnel, other child protection concerns or alleged bullying behaviour among pupils	Were redacted case file documents presented to the board for oversight? Yes/ Not applicable	Name of Child/Member of School Personnel in respect of whom the file was created	Address
Example Case File 01/2025				Ann Adams,	4 Main Street, Castletown

8.4 Retention of Reports to Tusla

The DLP shall retain a copy of every report submitted by them to Tusla, including the acknowledgment email receipt from Tusla.

It is important to ensure that a hard copy of the Child Protection and Welfare Report submitted to Tusla is printed from the web portal immediately at the time of the report submission and placed on the file. This is to ensure compliance with these procedures and to ensure that records continue to be available where a DLP or DDLP has changed, as reports submitted to Tusla can only be accessed by the person who submits them.

In addition, the DLP shall keep a record of any further actions taken, including communications with Tusla, An Garda Síochána or other parties in relation to the report be retained.

8.5 Case Files Relating to Concerns That Require Board Oversight

Case files which relate to concerns about members of school personnel, concerns which were not reported to Tusla by the DLP and concerns arising from alleged bullying behaviour amongst pupils all require board oversight. These case files shall be assigned a case file number. All relevant parties shall be assigned a unique code or serial number.

The case file shall contain:

- A written record of how the child protection concern came to the attention of the DLP.
- Where applicable, a record of the DLP's phone call with Tusla and the advice given.
- Where applicable, a record of informing the member of school personnel, including a registered teacher, of the seeking of advice from Tusla and the advice given.
- Where applicable, a hard copy of the Child Protection and Welfare Report Form submitted to Tusla. This should be printed from the Web Portal immediately after reporting.
- Where applicable, a copy of the acknowledgement of the receipt from Tusla.
- All records of any further actions taken by the DLP and of any further communications with Tusla, An Garda Síochána or other parties in relation to the reported concern.
- Where applicable, a written record confirming that the DLP informed the parent/carer of the child that a report concerning their child was being made to Tusla and the reasons for the decision to report OR of the decision made by the DLP not to inform the parent/carer that a report concerning their child was being made to Tusla and the reasons for not doing so.
- In any case where a parent/carer made an allegation of abuse against a member of school personnel, a copy of the written notification issued to that parent under section 7.5.1 of these procedures.
- In any case where a parent/carer has raised a child protection concern in respect of their child (that is, concerns that do not involve any allegation of abuse made against a member of school personnel), a copy of the written notification issued to that parent under section 5.4.5 of these procedures should be retained/recorded.

- A single copy of the redacted records presented to the board for oversight.
- A signed note accounting for all copies of the redacted records presented to the board for oversight.

8.6 Files Relating to Concerns That Do Not Require Board Oversight

Where case files do not relate to concerns about members of school personnel, concerns which were not reported to Tusla by the DLP, and concerns arising from alleged bullying behaviour amongst pupils, such files do not require board oversight. These case files shall be assigned a case file number.

These case files shall contain:

- A written record of how the child protection concern came to the attention of the DLP.
- Where applicable, a record of the DLP's phone call with Tusla and the advice given.
- Where applicable, a record of informing the member of school personnel, including a registered teacher, of the seeking of advice from Tusla and the advice given.
- A hard copy of the Child Protection and Welfare Report Form submitted to Tusla. This should be printed from the Web Portal immediately after reporting.
- A copy of the acknowledgement of the receipt from Tusla.
- All records of any further actions taken by the DLP and of any further communications with Tusla, An Garda Síochána or other parties in relation to the reported concern.
- A written record confirming that the DLP informed the parent/carer of the child that a report concerning their child was being made to Tusla and the reasons for the decision to report OR of the decision made by the DLP not to inform the parent/carer that a report concerning their child was being made to Tusla and the reasons for not doing so.
- A record of the written notification issued to a parent/carer in any case where that parent/carer has raised a child protection concern in respect of their child (that is, concerns that do not involve any allegation of abuse made against a member of school personnel), under section 5.4.5 of these procedures.

8.7 Secure Storage of Child Protection Records

All child protection records created shall be regarded as strictly confidential and placed in a secure location.

- A secure location is a robust lockable location to which personnel, other than the DLP and DDLP, do not have access.
- A filing cabinet drawer dedicated to child protection files, within a filing cabinet to which personnel other than the DLP and DDLP have access, is not a secure location.
- In circumstances where a school has very limited storage space and filing cabinets, a school could consider storing a secure lockbox containing child protection files within a drawer of a filing cabinet. This would ensure that only the DLP and DDLP have access to the files.

Child protection records should not be stored digitally. Where records have been created digitally, they must be printed and included in the hard copy file. All digital versions and drafts must be securely and permanently deleted.

8.8 Board of Management Oversight

Where redacted and anonymised copies of records are provided to the board of management for oversight purposes as set out in chapter 12, following the meeting, all copies must be recovered.

Under the principles of data minimisation, the DLP shall place a signed note on the case file indicating the number of copies distributed and recovered, keeping one redacted copy in the appropriate case file (e.g. note that eight copies were distributed, eight returned and seven copies shredded). The DLP shall shred the extra copies. This will ensure all copies are accounted for.

8.9 Support Documents Provided by the Department

A set of templates and resources is provided by the department to support schools (and boarding facilities associated with recognised schools) to fulfil their obligations under Children First legislation and these child protection procedures. These are available on www.gov.ie/childprotectionschools.

8.10 Inspectorate Access to Documentation

During school inspections, inspectors will require access to some or all of the documents and records that are required to be utilised and retained by the school under these procedures. Of particular importance are the documents available to the board of management for its oversight of reporting and safeguarding. Equally important are the minutes of board of management meetings that contain evidence that the board has carried out its governance responsibilities. The minutes shall document that the board of management has examined the relevant records and reached conclusions that confirm compliance with these procedures by the school; or where any non-compliance has been identified, the minutes should record the rectification or changed practice directed by the board.

Accordingly, schools should have these documents, including minutes of board of management meetings, available in the school at all times and must make them available to the inspector(s) on request. If requested by an inspector, the school will make available case files to enable the inspector to satisfy themselves that the procedures have been adhered to.

Chapter 9:
Child Safeguarding Requirements

One of the key objectives of the Children First Act 2015 is to ensure that organisations that provide services to children (referred to as "providers of a relevant service" in the Act) keep children safe from harm while they are availing of those organisations' services. In that regard, the Act places certain statutory obligations on every such provider. These include obligations to ensure, as far as practicable, that children are safe from harm while availing of its services, to undertake an assessment of any potential for harm to a child while availing of the organisation's services (referred to as a "risk") and to produce a Child Safeguarding Statement in accordance with the Act.

All recognised schools fall within the definition of a "provider" of a relevant service under the Children First Act 2015 and therefore have specific statutory obligations under the Act.

The purpose of this chapter is to give guidance to school boards of management (including boards of management of ETB schools) in relation to meeting those statutory obligations. Individual ETBs must also consider the child safeguarding obligations of the ETB in respect of all relevant services provided by the ETB. This chapter also contains information about the role of curricular provision. The risk assessment process outlined at section 9.5 of these procedures will help identify the child protection and welfare considerations applicable to other school activities, policies, procedures and practices.

9.1 Ensuring Children Are Safe From Harm

In addition to their obligations under the Children First Act 2015 all schools have a duty of care to their students and school authorities should always be cognisant of the need for prudent practice from a child protection perspective. Child protection and welfare considerations permeate all aspects of school life and therefore must be appropriately reflected in all of the school's policies, procedures and practices.

Under section 10 of the Children First Act 2015 boards of management have a statutory obligation to ensure, as far as practicable, that children are safe from harm (as defined in the Act) while they are attending the school or while participating in school activities.

9.2 Curricular Provision and Child Abuse Prevention

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 pupils in primary schools and in the Junior Cycle of post-primary schools and must be fully implemented.

9.3 Curriculum Developments

A draft Primary Wellbeing specification, which encompasses SPHE and PE, was open for public consultation in 2024, and a report on this consultation was published in December.

The National Council for Curriculum and Assessment (NCCA) has recently completed its work on the curriculum. It is intended that the curriculum specification will be launched in September 2025.

An updated Social, Personal and Health Education curriculum was introduced in September 2023 for Junior Cycle and an updated curriculum for Senior Cycle was published last September, for introduction in all schools by 2027. Currently all post-primary schools are also required to have a Relationships and Sexuality Education (RSE) programme at Senior Cycle pending introduction of the Senior Cycle SPHE curriculum.

Relationships and Sexuality (RSE) is addressed within these SPHE curricula.

Arrangements for the implementation of the curriculum are set out by way of circular.

9.4 Child Safeguarding Statement

9.4.1 Statutory Obligations

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:

- Specify the services being provided by the provider (i.e. school).
- 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.
- Include a written risk assessment of risk carried out in accordance with the Act.
- Specify the procedures that are in place to manage any risk identified; *and*
- Specify the procedures that are in place:
  - 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;
  - 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;
  - 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;
  - 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*);
  - for maintaining a list of the persons in the relevant service who are mandated persons; *and*
  - for appointing a relevant person as the first point of contact in respect of the provider's Child Safeguarding Statement.

The Act requires that the Child Safeguarding Statement has due regard to *Children First National Guidance 2017*, any other child protection guidelines issued by the Minister for Children, Disability and Equality or any guidelines concerning child safeguarding statements that are issued by Tusla under section 11 (4) of the Children First Act 2015.

9.4.2 Location of Copies of Child Protection Procedures and Children First Guidance

The Child Safeguarding Statement must also specify the location and means of access for copies of the *Child Protection Procedures for Schools 2025* and the *Children First National Guidance 2017*. This may be in the form of specifying the online location for the procedures (Department of Education and Youth website and/or the school website), providing a link to the *Children First National Guidance 2017*, and stating the number and location of hard copies of these procedures available in the school.

9.5 Risk Assessment in Child Safeguarding Statement

Under the Children First Act 2015 all boards of management are 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.

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.

Under the Children First Act 2015

- "**harm**" means, in relation to a child –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 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.

As outlined in section 4.2.4 of these procedures, harm is defined as assault, ill-treatment, neglect or sexual abuse of a child which is at or above a defined threshold. The threshold of harm for each category of abuse is also set out in section 4.2.4 of these procedures.

9.5.1 Purpose of Risk Assessment

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. 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.

9.5.2 Completing Risk Assessment

All boards of management are required to complete the Child Safeguarding Statement including risk assessment template published by the Department of Education and Youth when undertaking this risk assessment, available on www.gov.ie/childprotectionschools
The completed risk assessment forms part of the school's Child Safeguarding Statement.

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.

It is acknowledged that schools already have in place a range of policies, practices and procedures to mitigate the risk of harm to children while they are participating in the activities of the school and that some of these activities will carry low or minimal risks of harm compared to others. In the context of the risk assessment that must be undertaken by schools, the Children First Act 2015 refers to risk as "any potential for harm". Therefore, it is important that, as part of its risk assessment process, the board of management lists and reviews all of its various activities (which shall include listing those that may carry low risk of harm as well as those that carry higher risks of harm). Doing so will help the board of management to (1) identify, as required under the Children First Act 2015, any risks of harm that may exist in respect of the school's activities, (2) identify and assess the adequacy of the various procedures already in place to manage those risks of harm and (3) identify and put in place any such additional procedures as are considered necessary to manage any risk identified.

The list of examples provided with the template is not intended to be exhaustive. It is the responsibility of each board of management to ensure, as far as possible, that any other risks that are relevant to its own particular circumstances are identified and specified in the written risk assessment and that adequate procedures are in place to manage all risks identified.

As the nature of school activities and the legislative and other procedural requirements relevant to child safeguarding in schools may change over time, the published risk assessment template and list of examples may be updated by the department in the future. Accordingly, when undertaking or reviewing their risk assessment in future years, boards of management must ensure that they use the most up to date version of the Child Safeguarding Statement including risk assessment template and list of examples on www.gov.ie/childprotectionschools.

9.5.3 Online Safety

The Addendum to *Children First: National Guidance for the Protection and Welfare of Children 2017* – Department of Children and Youth Affairs (January 2019),

While they are often confident and competent users of new technologies, children and young people may be less aware of the inherent risks involved. Children First operates on the premise that it is the responsibility of everyone in society to keep children and young people safe from harm. This responsibility includes keeping children safe from harm online.

Under the Addendum to Children First there is an obligation on schools to ensure that, where children are being allowed access to the internet where they could become exposed to harm, including harm of assault or sexual abuse (as set out in Section 2 of the Act), the risk must be identified and that the policies and procedures that are in place to manage the risk must be set out in the Child Safeguarding Statement.

9.5.4 Further Guidance

The *Children First National Guidance 2017* and Tusla's document "*Guidance on developing a Child Safeguarding Statement*" provide further information on completing a risk assessment and on best practice policies and procedures for safeguarding children and reporting child welfare and protection concern.

9.6 After-School Activities and Services

Where a school provides any after-school activity or service to its students, 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 Child Safeguarding Statement including risk assessment 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.

9.7 Boarding Facilities

The department has published *Child Protection and Safeguarding Procedures for Boarding Facilities associated with Recognised Schools 2023* to inform the management of all boarding facilities of what is required of them in their implementation of the Children First Act 2015 and to ensure that arrangements for the oversight of the requirements of the Children First Act 2015, including *Children First: National Guidelines for the Protection and Welfare of Children 2017*, are in place across all boarding facilities. Templates for boarding facilities associated with recognised schools are available on www.gov.ie/childprotectionschools.

9.8 Guidance for Schools on School Trips

Under the provisions of the Education Act 1998 the board of management is the body charged with the direct governance of a school and the principal is responsible for the day-to-day management of a school. The board of management has overall responsibility for school policies including any policy in relation to school trips/outings.

As part of the Child Safeguarding Statement, schools must carry out a risk assessment to identify potential risks of harm to children. This includes including outdoor and off-site activities such as school trips.

It is the responsibility of each school authority to ensure that appropriate safeguards are in place while children are participating in school trips/outings.

9.9 Timeframes for Completing a Risk Assessment and Preparing a Child Safeguarding Statement

Under the Children First Act 2015 in the case of all schools in existence on 11 December 2017 the Child Safeguarding Statement including a risk assessment must have been prepared by 11 March 2018.

In the case of a school established after 11 March 2018 the requirement must be met within three months from the date on which the school opens to receive students. From 11 March 2018 the requirement to have a Child Safeguarding Statement (including a Risk Assessment) replaced the previous requirement to have a Child Protection Policy which was in place under the previous *Child Protection Procedures for Primary and Post-Primary Schools* which were published in 2011.

9.10 Publication, Display and Sharing of the School's Child Safeguarding Statement

9.10.1 Publication and Display

In accordance with Children First, the board of management is obliged to provide a copy of the Child Safeguarding Statement (including a Risk Assessment) to all school personnel and must make it available to parents, Tusla and members of the public upon request.

The Child Safeguarding Statement shall also 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.

Schools may wish to consider including a copy of the Child Safeguarding Statement in any introductory material being provided to parents of new students in the school.

Children First 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.

9.10.2 Student Friendly Child Safeguarding Statement

Schools must also provide a student-friendly version of the statement so that children know what to do or who to speak to if they have a concern. The name and photograph of the DLP shall be on the student-friendly version of the statement.

The department provides student-friendly templates for schools to use which are available on www.gov.ie/childprotectionschools. The templates are editable to allow for the inclusion of the school crest, name and photo of DLP for this purpose. Text may be adapted to take account of the school context e.g. special schools, different home languages.

The school's student-friendly version shall be displayed next to the Child Safeguarding Statement near the main entrance to the school. Schools may also wish to consider placing the studentfriendly version at other areas of the school frequently used by students (e.g. student entrances).

9.11 Reviewing the Child Safeguarding Statement

9.11.1 Annual Review

A school's Child Safeguarding Statement shall be reviewed **each calendar year** or as soon as practicable after there has been a material change in any matter to which this statement refers.

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.

The requirement to review the school's Child Safeguarding Statement as soon as practicable after there has been a material change in any matter to which the statement refers, ensures that the board of management meets the Children First Act 2015 requirement that, where there is any material change in any matter to which the statement refers, the Child Safeguarding Statement must be reviewed sooner than any specified timelines.

As part of the review of the school's Child Safeguarding Statement, the board of management shall specifically review the school's implementation of the 'Child Protection Procedures for Schools 2025'. The department has provided a qualitative review document that shall be used when conducting the annual review of the Child Safeguarding Statement. The document is not intended as an exhaustive list of the issues to be considered. Individual boards of management shall include other items that are of relevance to the school in question. Supporting documents and templates for the review of the Child Safeguarding Statement, including consultation with parents, school personnel and children are available on www.gov.ie/childprotectionschools.

9.11.2 Consultation With Parents and School Personnel

As part of its annual review of the Child Safeguarding Statement, the board of management must seek feedback from parents and school personnel in relation to the school's compliance with the child safeguarding requirements of these procedures and retain a record of the consultation.

9.11.3 Consultation With Children

As part of the annual review, the views of children on the school's safeguarding arrangements should also be sought by the board of management. This should be done in consultation with school management and in a manner appropriate to the age and maturity of the children concerned.

9.11.4 Identification of Areas of Improvement

Any areas for improvement identified as a result of feedback from parents, children and school personnel should be addressed. 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 soon as possible. The board should also make a note of the manner in which the feedback has been addressed.

9.11.5 Informing School Personnel and Parents' Association of Review

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.

9.12 Oversight by the Board of Management

Boards of management are responsible for ensuring that the child safeguarding requirements of these procedures are implemented in full and must exercise appropriate oversight in this regard. In addition to following the requirements of this chapter, the board of management shall ensure that all of the oversight requirements of these procedures, including those set out in chapter 12, are met in full by the board of management.

In particular, the board of management shall:

- Formally adopt the Child Safeguarding Statement including a risk assessment 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 including a risk assessment and issue the notification confirming completion of that review to the patron and the Parents' Association. 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.

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 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 this.

As part of its annual review of the Child Safeguarding Statement, the board of management must seek feedback from parents and members of school personnel in relation to the school's compliance with the child safeguarding requirements of these procedures. As part of this annual review, and in consultation with school management, the views of students 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 by students, parents or members of school personnel should be addressed, and the board should note the manner in which the feedback has been addressed.

Chapter 10:
Recruitment Procedures and Requirements for Garda Vetting

10.1 Garda Vetting Requirements

School authorities must ensure compliance with the requirements of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (the Vetting Act) and with relevant Department circulars in relation to Garda vetting of school personnel and other persons who undertake relevant work or activities with children or vulnerable persons.

Separate to the requirements of the Vetting Act school authorities must also be cognisant of their civil law duty of care to their students and the need for prudent practice from a child protection perspective.

In cases where no statutory vetting obligation exists or where the school authority has met its statutory obligation by receiving a vetting disclosure in the past, a school authority must consider, having regard to its duty of care to its students, whether it should seek an up to date vetting disclosure in respect of that person. Circular 0031/2016 outlines the limited exemptions from vetting requirements (section 5.3 and 6.4).

Garda vetting does not provide clearance for persons to work with children. It simply provides to the registered organisation particulars of any criminal record and/or specified information in respect of the person concerned or where there is no criminal record or specified information shall state this fact. The Vetting Act provides that a school authority may consider and take into account all the information in a vetting disclosure when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.

A key issue for a school authority is to determine whether any information in a vetting disclosure would render a person unsuitable for employment/engagement by the school. It should be borne in mind by the school authority that the fact that a person has a conviction does not automatically render that person unsuitable to work with children or vulnerable adults. The primary criterion in assessing the significance of the information in the disclosure is its relevance to child protection. An objective and balanced approach is critical in this regard. It is for the school authority to make the judgement as to the person's suitability.

Any person who is required to be vetted but refuses to do so cannot be appointed or engaged by the school in any capacity including in a voluntary role.

Further information relating to vetting requirements can be found on the Department's website www.gov.ie.

10.2 Teacher Sharing

Each school authority involved in teacher-sharing arrangements (e.g. primary school supply panels, English as an Additional Language, Special Educational Needs and Home School Community Liaison provision, principal release day cluster arrangements, or similar arrangements at post-primary) must ensure compliance with the Vetting Acts and relevant circulars. Each school authority must ensure its own compliance with the Vetting Acts and relevant circulars and may not rely on the checks carried out by the base school, unless both schools have jointly agreed in writing to the employment, contract, placement or permission of a person to undertake relevant work or activities.

10.3 Recruitment Procedures

Vetting should not take the place of normal recruitment procedures, such as seeking and following up of references and ensuring that any unexplained gaps in career history are satisfactorily accounted for. Whether a person is being considered for employment or other roles in the school, comprehensive procedures for the checking of the person's suitability to work with children or vulnerable persons are an essential element of child protection practice.

10.3.1 Seeking References

As part of its employment practices, schools should always seek references and in particular keep records of the steps that have been taken to obtain a reference from the most recent employer. However, it should be noted that there is no obligation for the most recent employer to respond to a reference request.

If no reference is received from the most recent employer, this does not preclude the employer from hiring the person for whom the references were sought, as long as the school has made reasonable efforts to obtain a reference from the previous employer.

Consent of the employee to allow the employer to provide a reference, is provided for within the statutory declaration outlined below and in Circular 31/2016 and the intention to obtain references should be made clear in the advertising of any position.

10.3.2 Provision of References

While there is no obligation for an employer to provide a reference in respect of a current or former employee, schools should be conscious of their responsibilities related to child protection and their duty of care in the provision of a reference. Where there is a current child protection concern that has been reported to Tusla or An Garda Síochána, and the employer is aware that the assessment or investigation has not been completed, this can be disclosed when a reference is sought. In such circumstances, the employer may wish to obtain their own legal advice before issuing a reference.

The employer is reminded that, as set out in section 7.2.9 that where, in advance of the completion of a Tusla assessment or An Garda Síochána investigation of a child protection concern raised against a member of school personnel, that member of school personnel:

- Leaves their employment with the school, for example through resignation, retirement, or the cessation of the employment relationship.
- Takes up approved leave.
- Is no longer attending the school for any other reason.

The DLP shall update Tusla and provide them with this, and any other relevant information. In addition, in line with the requirements under the *Teaching Council (Information to be Furnished by Employer in Case of Dismissal or Resignation of Registered Teacher) Regulations 2023* where the employee is a registered teacher and resigns following a complaint made against them, or is dismissed by the employer, the employer must notify the Teaching Council. The full wording and the information to be provided to the Teaching Council is set out in those regulations.

10.3.3 Statutory Declarations and Undertakings

School authorities must also ensure compliance with the department's requirements in relation to the provision of a child protection related statutory declaration and associated form of undertaking by all persons being appointed to teaching and non-teaching positions. The form of undertaking must be completed as close as possible to, and in any case before, the commencement of employment in the school. This includes emergency and substitute positions. The school authority must obtain and view the original statutory declaration and associated form of undertaking and retain a copy of it for its own records.

The requirement to hold a valid statutory declaration and to complete the form of undertaking should be made clear in the advertising of any position. Further information relating to the statutory declaration and undertaking requirements can be found on the department's website.

10.4 Visitors to School/Outside Events

When a child protection concern arises while a child is in the care of the school or participating in a school related event, the DLP should be informed. The responsibility for child protection should not be delegated to an outside organisation hosting the children for an activity/event.

It is imperative that the school ensures that any outside agency involved with the school have in place appropriate child protection procedures and training for their staff. The outside agency should also be made aware that their staff or volunteers should, in addition to their own child protection procedures and reporting obligations, report any child protection concern relating to a student in the school, to the DLP.

Chapter 11:
Training and Supports

Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies and within agencies. Relevant training and education are 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.

The board of management shall ensure that all school personnel shall attend appropriate child protection training and retain a record of this training. This role can be delegated by the board to the principal, where applicable.

11.1 Training to Support Implementation of These Procedures

11.1.1 Oide

Oide, the Department of Education and Youth funded support service for teachers and school leaders, provides a variety of professional learning opportunities to teachers that places the learner at the centre of the learning experience.

Oide promotes the quality of teaching and learning through the provision of an efficient, effective and responsive model of professional learning and support for school leaders and teachers. It aims to facilitate optimum teaching and learning to enable students to achieve their potential and contribute to Ireland's social, economic and cultural development.

More information on the teacher professional learning opportunities provided by Oide is available on www.oide.ie.

Training to support implementation of these procedures will be provided by Oide to:

- Mandated Staff and All School Personnel

  All school personnel shall attend training in child protection as may be directed by the board of management. The school shall retain a record of their attendance. This training should be refreshed at a minimum every three years. Refusal to attend child protection training may be considered a disciplinary matter.

- Designated Liaison Persons and Deputy Designated Liaison Persons

  The DLP and DDLP shall attend training for these roles and retain a record of their attendance. This training should be refreshed at a minimum every three years. Refusal to attend child protection training may be considered a disciplinary matter.

11.1.2 Tusla Resources

Tusla has a range of eLearning modules and other resources available on its website. These include:

- Introduction to Children First e-Learning Module

  Tusla offers a universal e-learning programme called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise.

- Mandated Persons e-Learning Module

  Tusla has developed an eLearning module for mandated persons. It provides information on, and understanding of, the role and responsibilities of mandated persons as outlined in the Children First Act 2015.

- Designated Liaison Person Briefing

  This training provides the DLP with information and an understanding of the role and responsibilities of designated liaison persons

More information on the supports provided by Tusla is available on www.Tusla.ie.

11.1.3 Training for Boards of Management

In addition to training provided by Tusla and Oide, the department supports the school management bodies to provide training for chairpersons and for members of the board of management to enable them to fulfil their child protection responsibilities. Board members should avail of such training and the school should retain a record of this.

11.1.4 Additional Training and Resources

- Wellbeing

  The National Educational Psychological Service (NEPS) provides educational psychological support to primary, post-primary and special schools in Ireland. It provides a range of further resources and training to support schools. These include Wellbeing topics such as **Introducing a Trauma Informed Approach: The Stress Factor, Getting the Balance Right**. The training aims to support school staff to build resilience for all including students with additional needs and those affected by trauma and adversity. Further details are available at gov.ie/childprotectionschools.ie

> Online Safety Advice and Resources

Online safety and the safe and ethical use of digital technologies is a key component of the Department of Education's Digital Strategy for Schools. The Strategy supports an extensive array of training material and resources developed and provided by Webwise, the Irish Internet Safety Awareness Centre. Funded by the European Commission and co-funded through the Department of Education Webwise is part of the Irish Safer Internet Centre alongside partners ISPCC Childline, Hotline.ie and the National Parents Council.

Webwise provide free information, advice and resources for schools, families and young people on online safety and digital citizenship. Webwise develops and disseminates free resources and training to help teachers integrate digital citizenship and online safety into teaching and learning in their schools. Webwise also provides information, advice, and tools to parents to support their engagement in their children's online lives. With the help of the Webwise Youth Advisory Panel, Webwise develops youth-oriented awareness raising resources and training programmes that promote digital citizenship and address topics such as online wellbeing, cyberbullying and more. Resources and training can be accessed at Webwise.ie.

Chapter 12: Oversight

The publication of the Children First National Guidance 2017 and the introduction of statutory obligations on certain individuals (mandated persons) and organisations (including schools) places a renewed focus on child protection. The main aims of the Children First Act 2015 and the Children First National Guidance 2017 are to ensure that concerns about child abuse wherever they arise are reported promptly and properly to Tusla and that organisations that provide services to children keep those children safe from harm. In order to ensure that these aims are met in the schools' sector, it is essential that an appropriate oversight and compliance framework is in place.

There is already a very strong culture of child protection across our schools and the previous child protection procedures published in 2011, 2017 and 2023 put in place certain oversight measures to help support and reinforce that culture. However, in the context of the statutory obligations that apply to all registered teachers and to all school authorities, it is essential that the oversight arrangements for the sector are as comprehensive and robust as possible. This will help ensure that the sector can be satisfied and can demonstrate that our schools and their personnel are operating in full compliance with the Children First Act 2015, *Children First National Guidance 2017*, the Addendum to Children First (2019), the Addendum to Children First (2025) and with the department's requirements as set out in these procedures for schools.

Accordingly, these procedures for schools have put in place some important oversight measures to help ensure and demonstrate that the statutory obligations of the Children First Act 2015 and the best practice obligations of the *Children First National Guidance 2017* are being adhered to by both school personnel and by school authorities. The measures are designed to address oversight of compliance with the reporting obligations and compliance with the child safeguarding obligations as set out in these procedures.

It is an accepted principle of effective oversight and quality assurance processes that a range of complementary measures are used to ensure high quality implementation and provision. For this reason, a range of measures will be used to ensure the implementation of these procedures. This chapter outlines the main oversight provisions that apply at school level. It also outlines the wider oversight context in which schools operate, including the oversight roles of the Department of Education and Youth, Tusla, the Department of Children, Disability and Equality and its Children First Interdepartmental Group.

12.1 Oversight and Compliance by School Leadership

The pivotal role of the DLP in child protection is long established in the schools' sector and in recognition of the significant leadership skills required of the role, the DLP is normally the school principal.

The DLP's role in the day to day management and oversight of child protection reporting is particularly important. In that regard, the DLP, inter alia, acts as a key resource person to any member of school personnel who has a child protection concern, ensures that the reporting requirements of these procedures are followed correctly and promptly and that all appropriate records are properly maintained. As the DLP is normally the school principal, they will also in such cases be responsible for providing the principal's report to each board of management meeting. Separate to the principal's report, as a standalone item, the principal shall provide a Child Protection Oversight Report, further details of which are set out in section 12.3 of this chapter.

Notwithstanding the mandatory reporting requirements for individual teachers, these procedures continue to recognise the importance of the DLP role and continue to require that all child protection concerns are channelled through the DLP as heretofore. The DLP's central role in advising school personnel about any concerns that they may have about students combined with their wider knowledge and awareness of child protection is critical in ensuring that issues are identified and reported as early as possible.

12.2 Oversight by the Board of Management

Under the Education Act 1998, the board of management is the body charged with the direct governance of a school. It is the responsibility of the board of management to ensure that these procedures are implemented in full and to quality assure their effectiveness on a regular basis. Good governance requires that the board of management can and does satisfy itself that the school has robust procedures in place to enable it to deal fully and properly with all child protection matters in the school in accordance with the *Children First Act 2015*, *Children First National Guidance 2017*, the Addendum to *Children First (2019)*, the Addendum to *Children First (2025)* and with the department's requirements as set out in these procedures for schools.

It is a particularly serious matter for a school where an allegation of abuse has been made against a member of school personnel. In such circumstances the relevant procedures in chapter 7 shall be followed by the employer including, where necessary, the implementation of the protocol authorising immediate action, and the commencement of any disciplinary process required. However, separately and solely from the perspective of oversight of the reporting requirements, specific requirements have been put in place in respect of the reporting to Tusla of allegations of abuse against employees. Such allegations may arise in a number of ways e.g. as a result of a parental allegation, a concern of another member of school personnel, a disclosure from a child or as a result of information provided to the school by Tusla or An Garda Síochána. In addition to the oversight of reporting of allegations against members of school personnel, oversight requirements have also been put in place for boards of management in relation to the wider reporting of child protections concerns in respect of children in the school and in relation to compliance with these procedures' requirements in respect of the school's safeguarding requirements.

It is acknowledged that it is the personal responsibility of members of school personnel to comply with the reporting requirements in these procedures where they become aware of a concern about a child. Where a person has failed to act in respect of such a concern it may be extremely difficult for a board of management to establish this fact as it may not immediately, or in some cases may not ever, come to the board's attention.

Notwithstanding this limitation, these procedures aim to ensure that the arrangements for the oversight of reporting are as robust and comprehensive as possible.

12.3 Principal's Child Protection Oversight Report to the Board of Management

At each board of management meeting, as a standalone item, the principal shall provide a Child Protection Oversight Report (CPOR) containing information under 4 headings as follows:

a) Allegations of abuse made against members of school personnel (see section 12.3.4);

b) Other child protection concerns in respect of students in the school (i.e. concerns that do not involve any allegation of abuse against a member of school personnel) (see section 12.3.5);

c) Child protection concerns arising from alleged bullying behaviour amongst students (see section 12.3.6); *and*

d) Summary data in respect of reporting (see section 12.3.8).

If there are any cases to report under any of the headings, an in-person board of management meeting shall be convened to allow the CPOR to be provided, with no member joining the meeting by conference call or online. The CPOR shall not be provided at any board of management meeting that is held online or where the use of a conference call may be required to facilitate a board meeting, except in circumstances where, since the last CPOR was provided to the board, there have been no cases arising under each of the headings set out in sections 12.3.4, 12.3.5, 12.3.6 and 12.3.8.

Board of management members are reminded that provisions relating to conflict of interest also apply to matters being considered under these procedures, and where there is a conflict of interest at any point, a board of management member should withdraw from all or part of a board meeting, as necessary.

12.3.1 Documentation

It should be noted that copies of records provided to the board of management shall be anonymised and redacted as necessary to ensure the identities of any children and any other parties to whom the concern or report relates are not disclosed. The documents in question shall be provided to the board of management members at the board meeting and all documents shall be recovered after the matter has been dealt with and placed on the appropriate case file by the DLP.

Documents shall not be separately circulated to or retained by any members of the board of management (e.g. If two redacted copies are made for the board then two copies must be recovered).

Under the principles of data minimisation, the DLP shall place a signed note on case files indicating the number of copies distributed and recovered, keeping one redacted copy in the appropriate case file (e.g. note that eight copies were distributed, eight returned and seven copies shredded). The DLP shall shred the extra copies. This will ensure all copies are accounted for.

The minutes of the board meeting shall specify the documents provided to the board meeting in accordance with the requirement outlined below at 12.3.7. The minutes shall not name any children or any other parties to whom the concern or report relates but shall record the matter by reference to the unique code or serial number assigned to the case/parties concerned.

Further details on record keeping requirements are available in Chapter 8.

12.3.2 Confidentiality

It should be noted that these records must be treated in the strictest confidence by all board of management members and board members shall be cognisant that they are to be reviewed solely for the purposes of oversight of the reporting requirements set out in these procedures. Under no circumstances shall the board members enter into any discussion or investigation in relation to the identity of the children or other parties in question or in relation to the substance or credibility or otherwise of the concern or report in question when undertaking this oversight role.

Board of management members are 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 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 in relation to such breach may not be protected in any legal proceedings taken against them by the general indemnity provided to board of management members under section 14(7) of the Education Act 1998.

In relation to allegations against members of school personnel, great care shall be taken to ensure that the board members' oversight of the reporting requirements do not impinge on any future actions that may be required to be taken in accordance with the relevant disciplinary procedures. Under no circumstances shall the board members enter into any discussion or investigation in relation to the substance or credibility or otherwise of the allegation in question when undertaking this oversight role. The purpose of this review is solely to review whether, based on the information available to the DLP and any Tusla advice available, the relevant reporting requirements were followed. Any discussion, investigation or decisions in respect of any further actions to be taken in respect of the employee against whom the allegation has been made must be undertaken separately and in accordance with the relevant procedures in chapter 7.

12.3.3 Where Board of Management Has Not Complied With Procedures

Where the board of management has not complied with the procedures in this section and has not reported a matter to Tusla, or directed the DLP to report to Tusla, in circumstances where Tusla has advised that such a report should be made, it shall notify the school patron in writing of this fact. The minutes of the relevant board of management meeting shall record this action and a copy of the notification to the patron shall be retained.

Failure by any member of school personnel to report a matter to Tusla where advised by Tusla to do so or to otherwise fail to comply with these procedures is a serious matter. It may be a disciplinary matter and should be reported to and dealt with separately by the employer in accordance with the relevant procedures.

12.3.4 Allegations of abuse against members of school personnel

As a standalone item, the principal's Child Protection Oversight Report shall:

a) State the number of reports made to Tusla since the last board meeting in respect of an allegation of abuse against a **current** member of school personnel.

b) State the number of cases in (a) that are allegations of abuse that an adult experienced in their childhood (retrospective abuse).

c) State the number of reports made to Tusla since the last board meeting in respect of an allegation of abuse against a **former** member of school personnel.

d) State the number of cases, in (c) that are allegations of abuse that an adult experienced in their childhood (retrospective abuse).

e) State the number of cases, since the last board meeting, where the DLP sought advice from Tusla in relation to an allegation of abuse against a current or former member of school personnel and the matter was not reported by the DLP based on the advice of Tusla.

f) State the number of cases, since the last board meeting, where an allegation of abuse has been made against a current or former member of school personnel and the DLP has not sought any advice from Tusla in relation to the matter and has not reported the matter to Tusla.

g) State the number of cases, since the last board meeting, where an allegation of abuse has been made against a current or former member of school personnel and the DLP did not report the matter to Tusla in circumstances where Tusla has advised the DLP that it should be reported.

h) Where there were no such cases at (a) to (g) above, state this fact.

Where any cases referred to at (f) above arise:

a) The DLP shall, immediately at the point of the decision not to report, inform the chairperson of the board of management or Chief Executive Officer of the ETB or their delegate and the procedures as set out in Chapter 7 shall be followed.

b) An emergency meeting of the board of management shall be convened.

c) In advance of the emergency meeting of the board, the chairperson of the board of management shall, on behalf of the board, seek the advice of Tusla as to whether the allegation should be reported. The chairperson must be provided with access to the original documents without any anonymisation and be fully informed of the details of the allegation in order to facilitate the seeking of advice from Tusla as to whether the allegation should be reported.

d) At the emergency meeting of the board of management, the board members shall be provided with and review the documents referred to at (1) to (6) in section 12.3.7, together with a copy of the chairperson's records or notes pertaining to their seeking of Tusla advice in relation to the allegation and to the advice given.

e) The board of management shall review the documents and decide whether the appropriate procedures have been followed.

f) Where the board of management is of the view that the procedures have not been correctly followed, it shall direct the DLP to follow the procedures. This may include directing the DLP to report to Tusla in accordance with the advice from Tusla.

Where any cases referred to at (g) above arise:

a) The DLP shall, immediately at the point of decision not to report, inform the chairperson of the board of management or Chief Executive Officer of the ETB or their delegate and the procedures as set out in Chapter 7 shall be followed.

b) An emergency meeting of the board of management shall be convened at which the board members shall be provided with and review the documents referred to at (1) to (6) in section 12.3.7.

c) The board of management shall review the documents and decide whether the appropriate procedures have been followed.

d) Where the board of management is of the view that the procedures have not been correctly followed, they shall direct the DLP to follow the procedures. This may include directing the DLP to report to Tusla in accordance with the advice from Tusla.

Following the decision of the board of management in relation to cases at (f) and (g), the chairperson of the board of management shall provide to the board a management a copy of the report submitted to Tusla in respect of the allegation and any acknowledgement of receipt of that report by Tusla.

The provisions regarding anonymisation and redaction shall apply to all documentation presented at the emergency meeting of the board of management. All documents shall be anonymised and redacted as necessary to ensure the identities of any children and other parties, including the member of school personnel to whom the concern or report relates, are not disclosed.

As noted in Chapter 8, when anonymising the identity of a member of school personnel, the DLP shall use a unique code or serial number which must be reused if there is a subsequent allegation of abuse against this member of school personnel. The DLP shall make the board aware, by means of this unique code or serial number, if there has been a previous allegation(s) of abuse against this member of school personnel and, if so, the number of such allegations including the outcome of the previous allegations.

Where, following the activation of the protocol authorising immediate action (section 7.3.6 and Appendix 3), there has been an emergency meeting of the employer (board of management or ETB as appropriate) to consider formally placing a person on administrative leave, the provisions in relation to anonymisation continue to apply in the subsequent board meeting for the CPOR. Employment issues as set out in Chapter 7 are dealt with separately from the oversight of child protection.

12.3.5 Other child protection concerns in respect of students in the school (i.e. cases that do not involve any allegation of abuse against a member of school personnel)

Separate to the cases referred to at sections 12.3.4 and 12.3.6 of these procedures, the Child Protection Oversight Report shall specify the number of cases that have arisen since the last board meeting under each of the following headings:

a) Any case where a member of school personnel has submitted a report to Tusla in respect of a child in the school in circumstances where the DLP has decided that the matter did not warrant reporting.

b) Any case where the DLP has sought the advice of Tusla in respect of a concern about a child in the school and Tusla has advised that the matter should not be reported.

c) Any case where the DLP has sought the advice of Tusla in respect of a concern about a child in the school and Tusla has advised that the matter should be reported but the DLP has not reported the matter in question.

d) Where the DLP has not sought any advice from Tusla in respect of a concern about a child in the school and has not reported the matter to Tusla.

Where there are no such cases at (a), (b), (c) or (d) above, the report shall state this fact.

(a), (b), (c), and (d) specifically relate to cases where there was no report made to Tusla by the DLP.

Where there are cases at (a), (b), or (d) above, the documentation as set out in 12.3.7 shall be provided to the board of management, to enable them to review whether, based on the information available to the DLP and any Tusla advice available, the relevant reporting requirements were followed. Where the board of management is of the view that the procedures have not been correctly followed, they shall direct the DLP to follow the procedures.

Where any cases referred to at (c) above arise:

a) The DLP shall, immediately at the point of decision not to report, inform the chairperson of the board of management or Chief Executive Officer of the ETB or their delegate.

b) An emergency meeting of the board of management shall be convened at which the board members shall be provided with and review the documents referred to at (1) to (6) in section 12.3.7.

c) The board of management will review the documents and decide whether the appropriate procedures have been followed.

d) Where the board of management is of the view that the procedures have not been correctly followed, they shall direct the DLP to follow the procedures. This may include directing the DLP to report to Tusla in accordance with the advice from Tusla.

Cases that have been reported to Tusla

Where the DLP has submitted a report to Tusla under this category (12.3.5, a child protection concern in respect of students in the school that do not involve any allegation of abuse against a member of staff) these shall be noted in the CPOR presented to the board under the summary data 12.3.8 in respect of reporting. In these circumstances, where a report has been made to Tusla by the DLP, case files are not presented to the board for oversight.

12.3.6 Child Protection Concerns Arising From Alleged Bullying Behaviour Amongst Students

The principal's Child Protection Oversight Report shall specify the number of cases, since the last board of management meeting, where:

a) The DLP has reported a concern about a child arising from alleged bullying behaviour amongst students.

b) The DLP has sought Tusla advice as to whether to report a concern about a child arising from alleged bullying behaviour amongst students.

c) The DLP has not sought any advice from Tusla in respect of a concern about a child arising from alleged bullying behaviour amongst students and has not reported the matter to Tusla.

Where there were no such cases at (a), (b) or (c) above, the report shall state this fact.

Any discussion or decisions in respect of any further actions to be taken in respect of the alleged bullying behaviour shall be undertaken separately in accordance with the school's Anti-Bullying Policy and the relevant procedures set out in the department's *Bí Cineálta: Procedures to Prevent and Address Bullying Behaviour for Primary and Post-Primary Schools* and section 2.4 of these procedures.

12.3.7 Documents to Be Provided to the Board of Management

In respect of each case arising under the above sections 12.3.4, 12.3.5 and 12.3.6, the board of management shall be provided with and review the documents listed below:

1) Copies of all records and notes pertaining to how the concern came to be known to the DLP.

2) Copies of any records and notes pertaining to the seeking of Tusla advice in relation to the concern and to the advice given.

3) Copies of any reports submitted to Tusla by any current member of school personnel in relation to the concern.

4) Copies of any other records of communications with Tusla, An Garda Síochána or any other party in relation to the concern (including any acknowledgement of receipt of the report by Tusla).

5) Copies of any notification issued under Sections 5.3, 5.4 or 5.5 of these procedures where applicable.

6) Copies of any statement provided to a member of school personnel under section 5.3.4 of these procedures.

12.3.8 Summary Data in Respect of Reporting

As a standalone item, the principal's Child Protection Oversight Report shall also:

a) State the total number of 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;
   - the number of those reports (mandated or otherwise) that concerned a current member of school personnel;
   - the number of those reports (mandated or otherwise) that concerned a former 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 current or former 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 current or former member of school personnel.

Where there were no such cases at (a), (b) or (c) above, state this fact.

12.4 Role of the Department of Education and Youth in Oversight

As is the case with oversight by school boards of management, it is not sufficient to simply put in place the systems and procedures to be followed by schools. The challenge is also to quality assure the procedures to ensure that they are being implemented effectively on a continuing basis. Therefore, the department must also exercise oversight of how schools fulfil their obligations in legislation and in these procedures having regard to the governance responsibilities of school authorities.

As in the cases of schools, the department puts in place a range of complementary oversight measures. These measures will serve specific functions and will vary in the aspects of the procedures that they monitor. However, when combined they aim to provide a coherent, whole-of-system approach to the oversight and quality assurance of these procedures.

In order to ensure compliance and effective oversight, all schools are required to comply with any request from the department for relevant information regarding their compliance with these procedures and to comply with any direction from the department requiring them to implement these procedures.

12.4.1 Oversight by the Department

The department:

- Develops and issues child protection procedures and other materials to support schools in fully implementing the Children First Act 2015, the *Children First National Guidance 2017*, the Addendum to Children First (2019) and the Addendum to Children First (2025).
- Develops and issues circulars and guidance regarding requirements on schools in relation to child protection, such as the publication of templates for the Child Safeguarding Statement and annual review requirements.
- Receives and acts on reports from the Inspectorate and other sections as appropriate regarding compliance with child protection procedures and circulars.
- Engages with schools and/or with patrons where concerns have been identified to ensure that practice is improved.
- Liaises with external agencies such as Tusla, An Garda Síochána etc. including by:
  - Reporting all allegations received by the department to Tusla;
  - Receiving concerns from Tusla about individual schools and engaging with the board of management and/or patron to ensure cooperation from the school with Tusla.

12.4.2 The Child Protection Oversight Group (CPOG)

The Department of Education and Youth also has a Child Protection Oversight Group (CPOG) in place which includes senior officials from relevant units within the department and senior members of the Inspectorate.

The CPOG:

- Coordinates the department's actions in cases where there are serious concerns regarding the compliance of a school with the requirements of these procedures.
- Maintains records of schools referred to it, including records of how and when the cases are resolved.
- Manages the department's engagement with the board and/or patron of schools where serious weaknesses or systemic failures are identified.
- Receives regular reports concerning the compliance or non-compliance of schools with the procedures.
- Ensures that all cases that are referred to the department by Tusla or by An Garda Síochána will be pursued with the board and/or patron of the school as appropriate. In this regard the department has agreed with Tusla contact arrangements that will operate where Tusla wishes to alert the department to concerns that it has in relation to compliance by an individual school.

In all cases where the department has serious concerns about a school's compliance with the requirements of these procedures the case will be referred to the CPOG.

12.4.3 Oversight by the Management Board of the Department

The management board of the department:

- Receives and reviews quarterly reports from the CPOG on the work of that group.
- Receives and reviews quarterly reports from the Inspectorate on the compliance noted by the Inspectorate during its visits to schools.
- Considers, at least annually, the overall effectiveness of the procedures in ensuring that schools are meeting their obligations under the Children First Act 2015 and the *Children First National Guidance 2017*.

12.4.4 Oversight by the Department's Inspectorate

The Inspectorate:

- Monitors schools' compliance with the requirements of these procedures.
- Provides advice to schools on the general implementation of these procedures, where appropriate.
- Reports to the school principal and/or board of management on the school's compliance with these procedures.
- Reports to the department on schools' compliance with these procedures.
- Reports to the CPOG on summary data and on individual cases where schools are found to be non-compliant with these procedures.
- Engages with schools that are not compliant with aspects of the procedures until the school becomes compliant.
- Participates in CPOG, assisting department officials in their engagement with schools, boards of management, and patrons, as appropriate.
- Reports, via the department, to Tusla when the Inspectorate becomes aware of cases where a school has not complied with the requirements relating to its Child Safeguarding Statement.
- Publishes composite data and trends arising from inspections of the implementation of these procedures, from time to time.

Inspection Models and Activities

The Inspectorate uses a range of inspection models to monitor and report on the implementation of these procedures and on broader safeguarding practices in schools, encompassing child protection, anti-bullying, and wellbeing.

The Inspectorate is currently redeveloping its inspection models. This redevelopment will take account of these child protection procedures and strengthen safeguarding checks across all models. The existing Level One and Level Two checks, conducted during inspections that focus on various dimensions of a school's work, will be revised to incorporate more substantive safeguarding checks.

Inspectors will examine key aspects of child protection and safeguarding in all inspection models to determine whether the school is meeting its statutory obligations. This will enable the Inspectorate to report to the principal and/or board of management, as well as to the Department. Where a school is found to be non-compliant, the Inspectorate will continue to engage with the school until compliance is achieved.

In addition to safeguarding checks in all schools, the Inspectorate also conducts focussed inspections that evaluate compliance solely with these procedures. These inspections follow specific models:

- Child Protection and Safeguarding Inspection (CPSI).
- Child Protection and Safeguarding Inspection in Boarding Facilities associated with Recognised Schools (CPSIBF).

These inspections are compliance-focused and assess adherence to child protection procedures across key areas, including communication, training, reporting, recording, oversight, and vetting.

In determining schools for CPSI/CPSIBF, the Inspectorate will:

- Select, as part of its risk-based approach, a sample of schools for inspection each year.
- Include schools referred by the CPOG or the Department's Child Protection Unit.

CPSI and CPSIBF inspections may take place with or without prior notice. As with other inspection types, the resulting reports will be published in accordance with the Guidelines on the Publication of School Inspection Reports (October 2024) or its relevant equivalent.

After the Inspection

At the conclusion of each evaluation visit, the inspector(s) will normally inform the principal and/or the board of management whether the school is considered compliant with the aspects of the child protection procedures that were reviewed.

If the inspector determines that the school is not compliant, they will outline the necessary actions required to achieve compliance and request that the principal and/or board address these actions without delay—preferably before the conclusion of the evaluation process. As part of the Inspectorate's advisory role, inspectors may also suggest how best to achieve compliance.

If the Inspectorate is not satisfied that the issues of non-compliance have been addressed by the end of the evaluation, it will continue to engage with the school until the required actions are implemented. Where appropriate, the Inspectorate may also refer non-compliant schools to the or the Department's Child Protection Unit.

The Inspectorate will maintain a record of all schools where any aspect of child protection or safeguarding was evaluated. For schools found to be non-compliant with particular elements of these procedures, a record will be kept of the specific non-compliant aspects and the date the Inspectorate was notified that compliance was achieved.

In addition, the Inspectorate will submit a quarterly report to the Department's Management Board on levels of compliance observed in schools visited.

Access to Documentation

During inspections, inspectors will require access to documents and records that schools are required to maintain under these procedures. Especially important are those documents available to the board of management to support its oversight of reporting and safeguarding, including the minutes of board meetings.

These minutes should provide evidence that the board has fulfilled its oversight responsibilities by reviewing the relevant records and either confirming compliance with the procedures or documenting the actions taken to address any identified non-compliance.

Accordingly, schools must have all relevant documents, including board meeting minutes, available at all times and must provide them to inspectors upon request. If required, the school must also make case files available to enable inspectors to confirm that the school is adhering to the procedures.

12.5 Role of Tusla in Oversight

Under the Children First Act 2015 a board of management is obliged to provide a copy of the school's Child Safeguarding Statement including a risk assessment to Tusla when requested to do so.

The Children First Act 2015 also provides that Tusla may establish and maintain a register of non-compliance detailing any providers of relevant services, including any schools that fail to provide a copy of the Child Safeguarding Statement to Tusla when requested to do so. Under the Act Tusla must make the register available for inspection by the public at all reasonable times at its principal office.

The department has also put in place a single point of contact whereby Tusla at national level can, having gone through an appropriate internal escalation process, bring to the attention of the department any specific concerns Tusla may have regarding an individual school's compliance with child protection requirements.

12.6 Department of Children, Disability and Equality

In 2011, the Government established the Department of Children and Youth Affairs (DCYA), known since 2025 as the Department of Children, Disability and Equality (DCDE) and brought together a number of key areas of policy and services for children, young people and families. DCDE has responsibility for developing the legislative and policy framework through which the child protection and welfare services are delivered monitored, inspected and measured.

The Minister for the Department of Children, Disability and Equality has a number of obligations under the Children First Act 2015. The Minister may issue guidelines about the protection and welfare of children. The *Children First: National Guidance for the Protection and Welfare of Children 2017* has been published to fulfil that requirement and is therefore deemed to be guidelines issued under section 6 of the Act. The Minister may also make regulations on Child Safeguarding Statements and the procedures for the making of reports by mandated persons.

12.7 Children First Interdepartmental Implementation Group

Part 4 of the Children First Act 2015 provides for the establishment of the Children First Interdepartmental Implementation Group. The Implementation Group is a forum for members to raise child welfare and protection issues of general concern, or with a cross-departmental or cross-sectoral dimension across the various sectors.

The group was established by the Minister for Children and Youth Affairs in 2015 (now the Minister for Children, Disability and Equality) and is chaired by the Department of Children, Disability and Equality. Its membership is composed of nominated persons from each government department, plus a representative from Tusla – Child and Family Agency, An Garda Síochána and the Health Service Executive.

The functions of the Implementation Group are to:

1) Promote compliance by government departments with their obligations under the Act.
2) Monitor the implementation by government departments of the guidelines issued by the Minister.
3) Provide support to government departments regarding the preparation and publication of sectoral implementation plans.
4) Promote a consistent approach by government departments to the preparation and publication of sectoral implementation plans.
5) Report to the Minister, when requested, on the implementation of the Children First Act 2015 and of the guidelines issued by the Minister.
6) Provide information or advice, or make proposals, to the Minister on any of the above matters.

The Implementation Group must also submit an annual report on the performance of its functions and activities to the Minister for Children, Equality, Disability, Integration and Youth.

Appendices

Appendix 1:
Schedule of Mandated Persons under the Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as mandated persons for the purposes of this Act:

1) Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2) Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3) Physiotherapist registered in the register of members of that profession.
4) Speech and language therapist registered in the register of members of that profession.
5) Occupational therapist registered in the register of members of that profession.
6) Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7) Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8) Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9) Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10) Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11) Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12) Teacher registered with the Teaching Council.
13) Member of An Garda Síochána.
14) Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
15) Person employed in any of the following capacities:
    a) manager of domestic violence shelter;
    b) manager of homeless provision or emergency accommodation facility;
    c) manager of asylum seeker accommodation (direct provision) centre;
    d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;

e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;

f) manager of a language school or other recreational school where children reside away from home;

g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;

h) director of any institution where a child is detained by an order of a court;

i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;

j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;

k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16) Youth worker who:

a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline; and

b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17) Foster carer registered with the Agency.

18) A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 2:
Sexual Offences as set out in the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017]

Schedule 3 of the Children First Act 2015 sets out offences for the purposes of paragraph (a) of the definition of 'sexual abuse' in section 2 as:

1) Rape.
2) Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
3) Sexual assault.
4) Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5) An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6) An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
7) An offence under section 6 (1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).
8) An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
9) An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).
    a) An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).
10) An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
    a) section 3 (child trafficking and taking, etc., child for sexual exploitation);
    b) section 4 (allowing child to be used for child pornography);
    c) section 4A (organising etc. child prostitution or production of child pornography);
    d) section 5A (participation of child in pornographic performance).
11) An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person).
12) An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).

13) An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).

14) An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017:

    a) section 4 (invitation etc. to sexual touching);

    b) section 5 (sexual activity in the presence of child);

    c) section 6 (causing child to watch sexual activity);

    d) section 8 (use of information and communication technology to facilitate sexual exploitation of child).

Appendix 3: Protocol authorising immediate action

The following protocol authorises immediate action under section 7.3.6 of the '*Child Protection Procedures for Schools 2025*'. The procedures as set out in Chapter 7 of the Procedures should be followed in relation to the activation of this protocol.

Primary schools other than those under the patronage of an ETB

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 chairperson of the board of management is authorised by the school 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 chairperson of the board of management is authorised by the school authority to direct an employee to the allegation and the action being taken. The employee may be accompanied by an appropriate person of their choice and will be so advised.

In any event, the employee will also be advised of the matter, in writing. The chairperson of the board of management shall also make a record of the meeting which shall be retained on the relevant case file.

Post-Primary schools other than those under the patronage of an ETB

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 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 this 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 their 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.

Schools Under the Patronage of an ETB

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, having consulted with the employer ETB in relation to the given circumstances, will be authorised 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 this 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 their 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.

Notes

