**PROTECTION OF CHILDREN AND VULNERABLE ADULTS   
POLICIES AND PROCEDURES AT   
LETTERKENNY INSTITUTE OF TECHNOLOGY**



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**Document Location**

The document will be made available via the College Intranet and Internet. It will be referenced in staff and student handbooks.

**History**

First Iteration

Date of next revision: 30/October 2015

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| --- | --- | --- | --- |
| Revision Number | Revision Date | Summary of Changes | Changes marked |
| 1 | 30/Oct/2013 | Initial implementation of policy |  |
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**Approvals**

This document was approved by

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| --- | --- |
| Title | Date |
| Executive Board | 10 September 2013 |
| Audit Committee | 15 November 2012 |
| Governing Body | 13 December 2012 |

**Review**

This document will be reviewed every two years. The next scheduled review is due in October 2015.

1. **Introduction**

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The safety and well-being of children, young people and vulnerable adults is of paramount concern and is a core value of this organisation.

1. **Purpose**

This document is intended to state the policies and procedures agreed by Letterkenny Institute of Technology in respect of the protection of children and vulnerable adults. It covers the actions and behaviour of all staff and students both on and off the campus.

1. **Scope**

**3.1** While the majority of persons studying, working and using the facilities of Letterkenny Institute of Technology (“LYIT”) are adults, it is acknowledged that there are a number of persons in LYIT who are under 18 years of age. Under the Child Care Act 1991 any person under 18 years of age is considered a child and should be protected under Children First, the National Child Protection guidelines. Categories of such persons include:

* Registered students who are not yet 18 years of age. The student record system Banner, contains student biographical information, including date of birth, and facilitates the identification of student under the age of 18.
* Children and, on occasions, vulnerable adults who visit the LYIT campus. Examples include Open Day, Science Week, extra-curricular activities, music and sporting activities.
* From time to time, Transition-Year students are facilitated on work placements by LYIT and have shadowed registered students in order to gain a better understanding of college life.
* Students from second level organisations are often on LYIT premises.

**3.2 Designated Programmes**

A number of programmes at LYIT require students to work directly with children and vulnerable adults. These programmes currently include:

* Health and Social Care
* IT Support
* Early Childhood Care and Education
* Sports courses and programmes
* General, Intellectual Disability and Psychiatric Nursing
* Pharmacy Technician
* Dental nursing

These programmes are classified as designated programmes for the purposes of vetting by the Garda Central Vetting Unit (GCVU).

**3.3** Staff of LYIT visit students on placement in a variety of settings and have access to children and vulnerable adults. Agencies are becoming increasingly concerned about accepting people onto their premises who do not have Garda vetting.

**3.4** Staff and/or students at LYIT may engage in voluntary, civic engagement or community based learning or research activities that bring them into contact with children and/or vulnerable adults.

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**4. Glossary/Definitions**

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| **Child** | People under 18 years of age. The use of the term ‘child’ in this document is intended to convey child, young person or vulnerable adult. |
| **Vulnerable adults** | A person aged 18 years or over, who is in receipt of or may be in need of services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. |
| **HSE** | Health Service Executive |
| **The**  **Institute** | Letterkenny Institute of Technology (may be abbreviated to LYIT) |
| **Vet** | Definition of service by Garda Central Vetting Unit |
| **GCVU** | Garda Central Vetting Unit. The Garda Central Vetting Unit deals with requests to vet certain prospective employees and students working with vulnerable persons, including:   Prospective employees of the Health Service Executive and  agencies funded by the Health Service Executive where the work involves access to children and vulnerable adults.   New employees and volunteers in the youth work sector and certain sports organisations.   Staff, students and volunteers in the childcare sector.   Staff working in care homes for older people. |
| **Nominating signatory** | Person responsible for ensuring that authorised signatories are available to engage with the GCVU. |
| **Authorised Signatory** | Person authorised to communicate with GCVU on behalf of Letterkenny Institute of Technology |
| **DCPP** | Designated Child Protection Person, persons authorised to deal directly, on behalf of LYIT, with concerns raised regarding abuse of children or vulnerable persons. |
| **Physical Abuse** | May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. It may be the result of a deliberate act, but could also be caused through omission or failure to act to protect. |
| **Emotional Abuse** | The persistent ill- treatment of a child or young person such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve making a child feel or believe that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Some level of emotional abuse is involved in all types of ill- treatment of a child, though it may occur |

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|  | alone. |
| **Sexual** | Involves forcing or enticing a child or young person to take part in |
| **Abuse** | sexual activities, whether or not the child is aware of, or consents to, what is happening. It may involve physical contact, including rape or oral sex, or non-penetrative acts such as fondling. Boys and girls can be sexually abused by males and/or females and by other young people. It also includes non-contact activities such as involving children in watching or taking part in pornographic material, or encouraging children to behave in inappropriate ways. |
| **Neglect** | The persistent failure to meet a child’s basic physical and/ or psychological needs, likely to result in the serious impairment of the child’s health or development. It may involve failing to provide adequate food, shelter and clothing, or failing to ensure that a child gets appropriate medical care or treatment. |

**5. Reference Documents**

* Children First: National Guidelines for the Protection and Welfare of Children, Department of Children and Youth Affairs, 2011
* Our Duty to Care- the Principles of Good Practice for the Protection of Children and Young people 2012
* Children Act, 2001
* The Child Care Act, 1991
* Protections for Persons Reporting Child Abuse Act 1998
* The Data Protection Act 1988
* Freedom of Information Act, 1997
* The Institute of Technology Act, 2006
* Letterkenny Institute of Technology Grievance Procedure
* Letterkenny Institute of Technology Student Complaints Procedure
* Dignity at Work Policy

**6. Policy for the Protection of Children and Vulnerable Adults**

**6.1** LYIT has a duty to protect children, young people and vulnerable adults from any form of abuse. This duty applies to all management, staff, students, volunteers and others contracted in by LYIT.

**6.2** LYIT does not tolerate the abuse of children or vulnerable adults in any way, whether by intent, or as a result of neglect or ignorance. Such abuse is regarded as a denial of people’s rights and liberty.

**6.3** The public are protected and their confidence maintained by ensuring that only suitable candidates participate on academic programmes where they may have access to children or vulnerable persons. On these programmes, all registered students will undergo Garda vetting.

**6.4** LYIT will ensure that all management, staff, and volunteers who are involved in the provision of designated programmes listed in section 3.2 will undergo Garda Vetting.

**6.5** LYIT will ensure that all staff will receive child protection awareness instruction and a briefing on LYIT’s child protection policy.

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**6.6** LYIT will appoint a Garda Vetting Signatory and a number of Designated Child Protection Persons, as required under the Child Protection Act.

**6.7** Students are responsible for informing themselves of the requirements under this policy and registration as a student is considered confirmation of participation with the policy. LYIT undertakes to inform all students of this policy during the student induction.

**7. Code of Behaviour when working with children and vulnerable adults.**

**7.1** LYIT expects that all staff, which for these purposes includes anybody in paid or

unpaid work on its behalf, will be aware of this Code of Behaviour and adhere to its principles in their approach to all children.

**7.2** When working with children/young people and vulnerable adults it is essential that:

* Everyone is treated with respect and dignity.

• Contributions should be acknowledged by positive comments.

* Staff and students should avoid spending excessive amounts of time alone with children and vulnerable adults.
* All classes, workshops, tutorials, assessments, examinations should be as open as possible.
* While physical contact is a valid way of comforting, reassuring and showing concern for children and vulnerable adults, it should only take place when it is acceptable to persons concerned. It should take place in areas where other people are present.
* Good Practice includes valuing and respecting individuals, and the adult modelling of appropriate conduct will always exclude bullying, shouting, racism, sectarianism or sexism. Lack of respect may be shown in words, conduct, acts or demeanour. It is recognised that harassment and bullying can seriously damage working and social conditions, and it will not be tolerated during the course of work, study or any other activity of the Institute.
* Staff or students of LYIT should never physically punish or be in any way verbally abusive to a child or vulnerable adult.
* Staff or students of LYIT should not make suggestive or inappropriate remarks to or about a child or vulnerable adult, even in fun as this could be misinterpreted.
* Children and vulnerable adults should be encouraged to report cases of bullying to a Designated Child Protection Person or worker of their choice. Complaints must be brought to the attention of Institute management using existing procedures.
* It is important not to deter children or vulnerable adults from making a disclosure of abuse through fear of not being believed, and to listen to what they

have to say. If this gives rise to a child protection concern it is important to

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follow the procedure for reporting such concerns, and not to attempt to investigate the concern oneself.

* LYIT is aware that those who abuse children or vulnerable adults can be of any age (even other children), gender, ethnic background or class, and it is important not to allow personal preconceptions about people to prevent appropriate action taking place.

1. **Code of practice for Students and Staff Involved with Placements**

**8.1** Staff and students involved with placements associated with designated programmes listed in section 3.2 will be required to hold a current Garda Vetting report or produce evidence that they have a current report from, say, another employment, that indicates that the person is acceptable for working with children and vulnerable adults.

**8.2** Staff and students are required to sign up to the placement principles agreed by the Programme Board, relevant to each particular placement context.

**8.3** Staff and students on external placement or other external work activity should

familiarise themselves with, and comply with, the Child Protection policy and procedures in place at the partner organisation.

1. **Responding appropriately to a Child making an Allegation of Abuse**

When dealing with a disclosure (that is if a child tells of an incident) it is important to support the child through listening and respecting what it is you are being told. In order to facilitate the child through this process it is important that you try to observe the following:

* Remain calm.
* Listen carefully to what is said.
* **Do not promise to keep secrets -** Explain to the child that the information will need to be shared with others.
* Tell the child the matter will only be disclosed to those who need to know about it. This is not a breach of confidentiality.
* Allow the child to continue at her/his own pace.
* Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer.
* Reassure the child that they have done the right thing in telling you.
* Tell them what you will do next and with whom the information will be shared.

It is the responsibility of the person to whom a disclosure is made, to contact one of LYIT’s Designated Child Protection Person (List in Appendix 1). They are then to log the disclosure in an Incident Log Book held by the HR Manager. When reporting/logging a disclosure it is important that as far as possible the incident is recorded using the language that the child used. Recordings should be purely factual without embellishments or comments.

**10. Procedures for the Protection of Children and Vulnerable Adults**

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**10.1. Designated Child Protection Persons (DCPPs)**

LYIT has appointed a number of Designated Child Protection Persons (Appendix 1) **10.1.1** The role of the Designated Child Protection Person(s) is to:

* Be the persons to whom suspicions or concerns are normally reported.
* Know which external child protection agency to contact in the event of a child protection concern and Liaise with the HSE and other agencies, as appropriate.
* Provide information and advice on child protection to students and staff of LYIT.
* Ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing under confidential cover.
* Manage referrals to HSE, with adequate confidential information.
* Ensure that a proper record is kept of any referral and action taken, and that this is kept safely and in confidence.
* Keep relevant people in Institute informed about any action taken and any further action required.
* Ensure LYIT policy / procedures relating to child protection are followed for any particular incident.
* Advise the Executive Board of child protection needs.
* Liaise with the HSE to review the operation of the Child Protection Policy regularly to ensure the procedures are working and that they comply with current best practice.

**10.1.2** Following any expression of concern, the DCPPs take action by recording the report and, normally, reporting an incident to the relevant person in the local HSE offices

**10.1.3** LYIT acknowledges its obligation to ensure that training, arranged by the HR Manager, and procedures are in place for DCPPs which comply with legal requirements and best practice. The DCPP will maintain training and awareness of Child Protection issues to keep the HR manager updated on new developments.

**10.2 Recognising Signs of Neglect and/or Abuse 10.2.1** Concerns may be raised in a number of ways, including:

* The conduct of a member of staff
* A child disclosing or hinting at abuse
* Bruising or evidence of physical hurt; especially patters of such injuries. which

may or may not be accompanied by:

* Unusual behaviour by a child.
* A statement from a person who witnessed abuse.
* A symptom which may not in itself be totally consistent with abuse, but

which is supported by corroborative evidence of deliberate harm or negligence;

* Consistent signs of neglect over a period of time.
* Age-inappropriate or abnormal sexual play or knowledge in very young children
* Underage pregnancy or sexually transmitted disease
* Frequent and/or prolonged absence, running away from home or similar
* Self-harm or attempted suicide

A cluster or pattern of signs is more likely to be indicative of neglect or abuse

**10.3 Reporting Signs of Neglect and/or Abuse**

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**10.3.1** Concerns about a specific child should be reported immediately to one of LYIT’s Designated Child Protection Persons. Delay could prejudice the welfare of a child.

If the concerns relates to the conduct of a member of staff these should be reported by phone to the DCPP at the earliest opportunity. Delay could prejudice the welfare of a child.

In the event that none of the DCPPs can be reached, those with concerns about child safety may contact the Registrar’s office or the Secretary Financial Controller’s office. If contact cannot be made with a DCPP or with the Registrar or Secretary Financial Controller, those with concerns re child safety should contact the HSE directly

**10.3.2** The DCPP, with the assistance of the person raising a concern, will at the earliest possible opportunity complete the Concern Referral Form (see Appendix 2). In reporting concerns about an identified child, thought should also be given to potential risks to unidentifiable children, such as siblings, etc.

**10.3.3** The DCPP will consider the report and either refer this immediately to the HSE or, after taking appropriate advice (for example, discussing the circumstances on a confidential basis with the Duty Social Worker in the HSE Children& Family Services ), decide not to refer the concerns to the authorities but keep a full record of the concerns.

**10.3.4** In the case of an emergency, where it is believed that a child is in immediate danger and the HSE cannot be contacted, the Gardaí should be contacted.

**10.3.5** The following information should be contained in any report:

 Date

 Time

 People involved in the concern or disclosure

 The facts

 Any opinions to be supported by facts

**10.3.6** In the case of a report to a Designated Child Protection Person, the DCPP will normally notify the Health Service Executive (HSE) Duty Social worker following the agreed procedures. The DCPP will also record the Incident in the Log Book which is kept in the HR office. The DCPP should notify the Registrar that an incident has been reported (without disclosing any confidential information specific to the case). Should the incident require an investigation by the HSE/Gardai the Registrar should also notified of this.

**10.3.7** All information related to any person will be treated in confidence, on a need-to-know basis, but will be released to appropriate parties as deemed necessary by LYIT.

**10.3.8 Protection for Persons Making Reports**

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who report concerns about child abuse ‘reasonably and in good faith’ to designated officers of the HSE or to any member of An Garda Síochána. This protection applies to organisations as well as to

individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child’s best interests may also be protected under common law by the defence of qualified privilege.

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**10.3.9 Failure to report**

Failure to report and failure to take appropriate steps with regard to child protection may be regarded as reckless endangerment of children (section 176 of the Criminal Justine Act 2006 applies). Appropriate disciplinary action will be taken where a person acts in breach of this policy.

**11 Procedures for dealing with allegations against staff and students**

**11.1** In respect of the child/young person the DCPP will deal with issues related to the

child or vulnerable person.

**11.2** If the person against whom the allegation is made is a staff member, the Human

Resources Manager will deal with issues related to the staff member.

**11.3** If the person against whom the allegation is made is a student, the Registrar will

deal with issues related to the student.

**11.4** If the person against whom the allegation is made is neither a staff member nor a

student, Institute management will ensure that the matter is dealt with by the most appropriate person.

**11.5** Stages:

* The first priority is to ensure that no child or young person is exposed to unnecessary risk.
* If allegations are made against the DCPP, then another Designated Child Protection Person should be contacted.
* The reporting procedures outlined in Section 10.3 of this document should be followed.
* The child or vulnerable person should be dealt with in an age-appropriate manner and should be informed, as appropriate, of actions to be taken.
* It is good practice that the primary carers of the child or vulnerable person should also be informed that a report had been made, and of actions planned and taken, unless to do so would put the child or vulnerable person in further danger.
* The person against whom the allegation is made will be informed as soon as possible of the nature of the allegation. The rights of the person against whom the allegation is made will be observed.
* Any action following an allegation of abuse against an employee should be taken in consultation with Health Service Executive and Gardaí, as appropriate;
* While an investigation is taking place the interests of the child or vulnerable adult remain paramount. This may result in the member of staff being reassigned away from unsupervised contact with children or vulnerable adults, or in certain circumstances placed on administrative leave. Such a move would be without prejudice to the outcome of the investigation and will be carried out on a strictly confidential basis.
* Where the person against whom the allegation is made is not a staff member, access to the Institute and Institute activities may be restricted, as appropriate.

**12 Confidentiality**

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**12.1** LYIT is committed to ensuring people’s rights to appropriate confidentiality. Every

effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated by the relevant body. However, the National Guidelines for the Protection and Welfare of Children states that the “welfare of the child is paramount.” This means that considerations of confidentiality, which might apply to other situations, will not be allowed to over­ride the right of children to be protected from harm.

**12.2** In relation to child protection (and vulnerable adults) LYIT undertakes that:

* No undertakings regarding secrecy may be given.
* Total confidentiality is not guaranteed where the best interests of the child or vulnerable person are at risk.
* The provision of such information to the relevant parties is not a breach of confidentiality.
* Information will only be forwarded on a need to know basis in order to safeguard the child/young person and vulnerable adult
* Primary carers, children or vulnerable persons will be informed if personal information is being shared and a report is being made to the Health Service Executive, unless doing so could put the child or vulnerable person at further risk.
* LYIT will co-operate with HSE where child welfare or protection issues arise. This co-operation may include sharing of records and/or attendance at formal child protection and welfare meetings when attendance is requested by HSE.
* Images of children or vulnerable persons will not be used for any reason without the consent of the parent/carer.
* Confidential information will be stored in a safe and secure place.

**13 Recruitment and Selection of Staff and Students**

**13.1 Students**

All students studying on designated programmes are required to submit to Garda Vetting prior to commencing the programme. The report issued will be considered to be valid for 5 years. These students are responsible for proactively notifying the relevant Head of Department of any change in their status, e.g. criminal convictions or charges pending.

**13.1.1** LYIT Prospectus and web site must clearly state that Garda Vetting will be a requirement for designated Programmes, and that should the prospective student have a criminal record that it may seriously jeopardize their chances of being able to secure placement during the Programme, or subsequent employment.

**13.1.2** On being offered a place on such a Programme, prospective students are given a Garda Vetting consent form by Admissions Office. This form is sent by the Admissions Office to the GCVU. A student is not fully registered on a programme until LYIT receives the report back from the GCVU and is satisfied that the candidate does not have a criminal record that precludes them from participating fully on the programme.

**13.1.3** The offer of a place is conditional on the assessment by the Registrar of the gravity of offences in respect of the chosen course.

13.1.4 Regardless of whether the outcome was a custodial sentence or the application of the probation act, convictions that may result in exclusion include (but are not necessarily limited to) the following:

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* Child related convictions
* Violence, assault or grievous bodily harm,
* Drug related crime,
* Theft
* Refusal to sign application and/or declaration form
* Concealing information on one’s suitability for working with children
* Refusal to consent to Garda clearance
* Insufficient or inaccurate information regarding proof of identity

**13.1.5** Any student has the right of appeal to the President in the event of their dissatisfaction with the decision regarding the vetting process.

**13.2 Staff**

All applicants for posts at LYIT are required to declare any criminal convictions, whether a custodial sentence was the outcome or they were given the benefit of the Probation Act, and/or of any charges pending.

13.2.1 Possessing a criminal record will not necessarily bar an applicant from working at LYIT; the nature of a disclosed offence and its relevance to the post in question will be considered. However convictions for offences relating to children and for violence or assault are likely to be incompatible with working at LYIT.

**13.2.2** The appointment of staff to work on designated programmes will be subject to satisfactory clearance from Garda vetting. The requirement to undergo vetting will be set out in the job description.

13.2.3 In implementing this policy, LYIT will ensure that, in the first instance all existing staff working on designated programmes will be subject to satisfactory clearance from Garda vetting.

**13.2.4** All staff are responsible for notifying LYIT of any change in their status i.e. charges leading to possible conviction.

**13.2.5** LYIT commits itself to ensuring the following:

* All staff take part in an induction training process
* All staff are fully cognisant and compliant with the Child Protection policies and procedures of LYIT
* All staff know the identity of the Designated Child Protection Persons to whom they are to bring any concerns regarding child protection issues
* All staff are aware of the procedures for reporting allegations made against staff members or others contracted in by LYIT.
* All new staff are required to undergo a probationary period.
* Staff of LYIT will be provided with child protection awareness training.

**13.3 Visiting Lecturers**

Where visiting lecturers are involved in designated programmes or any programme where children or vulnerable adults are present, they should be accompanied by a staff member.

**14 Managing, Supervising & Supporting Staff**

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**14.1** LYIT will ensure that all staff of LYIT will be made aware of the organisation’s code

of behaviour, child protection policy and procedures, and the identity and role of Designated Child Protection. Existing staff will receive instruction and a briefing child protection awareness and on LYIT’s child protection policy. Briefing on these issues will be included as part of new staff induction. The Policy will be referenced in staff/student handbooks and available via the college intranet.

**14.2** Management and staff who have regular contact with children or vulnerable adults (e.g. those involved with the designated programmes listed in Section 3.2) will undergo Garda Vetting and will receive training on child protection. .

**14.4** LYIT will ensure that Designated Child Protection Persons and other persons in positions of authority are provided with training on their roles with regard to managing child protection issues and in applying Institute policies.

**14.5** LYIT’s HR department will review annually the needs requirements and training strategy for Child Protection**.**

**14.6** Personal support for staff dealing with disclosure issues will be available via LYIT’s

Employee Assistance Programme, which may be accessed via HR or via the Health and Safety Officer.

**15 Appeal Process**

**15.1** Any student or staff member has the right of appeal in the event of their

dissatisfaction with a decision of LYIT.

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|  | 13 December 2013 |
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Paul Hannigan Date:

**PRESIDENT**

**LETTERKENNY INSTITUTE OF TECHNOLOGY**

**Appendix 1:**

**Authorised persons of Letterkenny Institute of Technology in respect of the protection of children and vulnerable persons.**

**Nominating signatory for Garda vetting**

Appointee recommended by President of Letterkenny Institute of Technology

Paul Hannigan, President

**Authorised signatory for Garda vetting**

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| Appointee nominated by nominating signatory (1) |

Cathy McGowan, Registry

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| Appointee nominated by nominating signatory (2) |

Anne-Marie Kelly, Registrar’s Office

**Designated Child Protection Persons**

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| --- | --- | --- | --- | --- |
| **Name** | **Location** | **Contact Number** | | |
| Anne Edwards | Letterkenny Campus | 074 | – 918 | 6394 |
| Elizabeth McKenzie | Killybegs Campus | 074 | – 918 | 6625 |
| Brian McGonagle | Office 3455, Letterkenny Campus | 074 | – 918 | 6170 |
| Sean McEntee | Office PC2C | 074 | - 918 | 6375 |

**Appendix 2:**

**LYIT’S Concern Referral Form**

1. Name and contact information of the reporter:
2. The role of the reporter in child protection:
3. Name of child or vulnerable adult:
4. Age and Date of Birth of child or vulnerable adult:
5. Who does the child or vulnerable adult live with:
6. Address/place of residence:
7. Contact details of child or vulnerable adult:
8. Are you reporting your own concerns or passing on those of somebody else? Give details.
9. Brief description of what has prompted the concerns (include dates and times of any specific incidents and names of persons involved/witnesses):
10. Observations made by you: Physical signs? Behavioural signs? Indirect signs?

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1. Have you spoken to the child or vulnerable adult? If so what was said?
2. Has anybody been alleged to be the abuser? If so give details.
3. Have you consulted an external agency or reported this to anyone else?
4. If so, give details (name of person, name of organisation, date and time).
5. Does the child or vulnerable adult require medical attention?

Signature Date

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**Appendix 3**

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**Relevant Legislation**

**Children Act 2001**

The Children Act 2001 replaced provisions of the Children Act 1908 and associated

legislation with a modern comprehensive statute. The 2001 Act covers 3 main areas of the law.

1. It provides a framework for the development of the juvenile justice system.
2. It re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them.
3. It provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

**Child Care Act 1991**

The purpose of the Child Care Act 1991 is to ‘update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk’. The main provisions of the Act are:

1. the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
2. the strengthening of the powers of the HSE to provide child care and family support services;
3. the improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger;
4. the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE;
5. the introduction of arrangements for the supervision and inspection of pre-school services;
6. the revision of provisions in relation to the registration and inspection of residential centres for children.

**Criminal Justice Act 2006**

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of ‘reckless endangerment of children’. It states:

‘A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

1. causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
2. failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.’

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

**Domestic Violence Act 1996**

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

1. Safety Order: This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live

apart, the Order prohibits the violent person from watching or being in the vicinity of the home.

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2. Barring Order: This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person’s circumstances with a view to:

1. applying for a Care Order or a Supervision Order under the Child Care Act 1991;
2. providing services or assistance for the dependent person’s family; or
3. taking any other action in respect of the dependent person.

**Protections for Persons Reporting Child Abuse Act 1998**

This Act came into operation on 23 January 1999. The main provisions of the Act are:

1. The provision of immunity from civil liability to any person who reports child abuse ‘reasonably and in good faith’ to designated officers of the HSE or to any member of An Garda Síochána;
2. The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
3. The creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities ‘knowing that statement to be false’. This is a new criminal offence, designed to protect innocent persons from malicious reports.

A wide range of nursing, medical, paramedical and other staff has been appointed as designated officers for the purposes of this Act. Section 6 of the Act is a saving provision, which specifies that the statutory immunity provided under the Act for persons reporting child abuse is additional to any defences already available under any other enactment or rule of law in force immediately before the passing of the Act.

**Data Protection Acts 1988 and 2003**

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified 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.

**Education Act 1998**

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

**Education (Welfare) Act 2000**

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national

agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

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**Non-Fatal Offences against the Person Act 1997** The two relevant provisions of this Act are:

1. It abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;
2. It describes circumstances in which the use of reasonable force may be justifiable.

**The Freedom of Information Acts 1997 and 2003**

These enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

* to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance
* to persons to enable them to exercise it;
* to enable persons to have corrected any personal information relating to them in the possession of such bodies;
* to provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and
* of the operation of the Acts generally;
* to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

1. right of access to this information, subject to certain conditions;
2. the right to correct this information if it is inaccurate.
3. Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part
4. of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the release of social work or medical records contains information that would be harmful to a person’s well-being, the release may be made to a health professional who acts on the person’s behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children’s records; these emphasize that the overriding concern is the best interests of the child.

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

1. protecting records covered by legal professional privilege;
2. protecting records that would facilitate the commission of a crime;
3. protecting records that would reveal a confidential source of information.

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|  |  |
| --- | --- |
| **Name of proposed Bill** | **Purpose of proposed Bill** |
| Children | This Bill will put the Children First National Guidelines on a |
| First Bill | statutory basis. The development of this legislation is part of a suite of legislation to strengthen child protection which includes the National Vetting Bureau (Children and Vulnerable Persons) |
|  | Act 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. |
| Child and Family Agency | The Bill will establish the Child and Family Agency, whose remit |
| Bill | will include the delivery of child welfare and protection services and family support services currently operated by the HSE. The |
|  | Agency will also have responsibility for domestic, sexual and gender-based violence services and community psychology services. |

**Appendix 4**

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**Relevant Phone Numbers**

**LYIT’s Designated Child Protection Persons**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Location | Contact Number | | |
| Marian McNulty | Office 206, An Danlann | 074 | – 918 | 6817 |
| Lynn Ramsey | Office 1139, Letterkenny Campus | 074 | - 918 | 6204 |
| Elizabeth McKenzie | Killybegs Campus | 074 | – 918 | 6625 |
| Brian McGonagle | Office 3455, Letterkenny Campus | 074 | – 918 | 6170 |
| Sean McEntee | Office PC2C | 074 | - 918 | 6375 |

**Garda**

|  |  |  |  |
| --- | --- | --- | --- |
| Letterkenny: | 074 | 916 | 7100 |
| Killybegs: | 074 | 973 | 1002 |

**Donegal Child Protection Services**

|  |  |  |
| --- | --- | --- |
| Letterkenny: | Millennium Court, Pearse Road, Letterkenny | 074 9123672/3770 |
| Donegal Town: | Euro House, Killybegs Road, Donegal | 074 9723540 |
| Buncrana: | Links Business Centre, Lisfannon, Buncrana. | 074 9320420 |

**The HSE National Counselling Service**

Welcomes calls from adults who have experienced abuse in childhood. Free Phone

|  |  |  |  |
| --- | --- | --- | --- |
| HSE West (Donegal, Leitrim, Sligo) | 1800 | 234 | 119 |
| HSE Dublin North East (North Dublin &Meath) | 1800 | 234 | 110 |
| HSE Dublin North East (Navan, Cavan, Louth & Monaghan) | 1800 | 234 | 117 |
| HSE Dublin Mid-Leinster (South Dublin, East Wicklow) | 1800 | 234 | 111 |
| HSE Dublin Mid-Leinster (West Dublin, West Wicklow & Kildare | 1800 | 234 | 112 |
| HSE Dublin Mid-Leinster (Laois, Offaly, Longford & Westmeath) | 1800 | 234 | 113 |
| HSE West (Galway, Mayo & Roscommon) | 1800 | 234 | 114 |
| HSE West (Limerick, Clare & North Tipperary) | 1800 | 234 | 115 |
| HSE South (Waterford, Wexford, Kilkenny, Carlow and South Tipperary) | 1800 | 234 | 118 |
| HSE South (Cork & Kerry) | 1800 | 234 | 116 |

**Other**

|  |  |
| --- | --- |
| General Emergency | 999 or 112 |
| Rape Crises Centre, Donegal | 1800 448 8544 |
| Childline | 1800 66 666 |
| HSE Children First Information & Advice Officer, **Donegal** Sligo, Leitrim, Cavan.  Noreen Herron, Markievicz House, Barrack Street, Sligo | 071 91355181  [noreen.herron@hse.ie](mailto:noreen.herron@hse.ie) |

**Appendix 5**

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**HSE Standard Report Form and Guidance Notes**

The HSE’s Standard report form and the guidelines for completing it are both available on the HSE website.

**HSE Guidance Notes on completing the Standard Report form**

The HSE has a statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. The HSE therefore has an obligation to receive information about any child who is not receiving adequate care and/or protection.

This Report Form is for use by:

 Designated Protection Persons at LYIT making a report to HSE

 Any professional, individual or group involved in services to children, including HSE personnel, who becomes aware of a child protection or welfare concern, or to whom a child protection or child welfare concern is reported.

 Professionals and individuals in the provision of child care services in the community who have service contracts with the HSE.

Please fill in as much information and detail as is known to you. This will assist the Social Work Department in assessing the level of risk to the child or the support services required.

If the information requested is not known to you, please indicate this by putting a line through the question. It is likely that a social worker will contact you to discuss your report.

The HSE aims to work in partnership with parents. If you are making this report in confidence, you should note that the HSE cannot guarantee absolute confidentiality for the following reasons:

 A Court could order that information be disclosed.

 Under the Freedom of Information Act 1997, the Freedom of Information Commissioner may order that information be disclosed.

You should also note that in making a ‘bona fide report’, you are protected under the Protections for Persons Reporting Child Abuse Act 1998.

If you are unsure if you should report your concerns, please telephone the local HSE duty social worker and discuss your concerns with them.

**HSE’ Standard Report form**

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**A. To Principal Social Worker/Designate:**

1. **Date of Report**
2. **Details of Child**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name: |  | Male | | |  | Female | |  |
| Address: |  | DOB |  | | | | Age |  |
| School |  | | | | | |
| Alias |  | Correspondence address  (if different) | |  | | | | |
| Telephone |  | Telephone | |  | | | | |

1. **Details of Persons Reporting Concern(s**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Telephone No. |  |
| Address: |  | Occupation |  |
| Relationship to client |  |
| Reporter wishes to remain anonymous | | Reporter discussed with parents/guardians | |

**.**

1. **Parents Aware of Report** Yes No
2. **Details of Report**



Are the child’s parents/carers aware that this concern is being reported to the HSE?

- Mother - Father

Comment

*(Details of concern(s), allegation(s) or incident(s) dates, times, who was present, description of any observed injuries, parent’s view(s), child’s view(s) if known.)*

1. **Relationships**

|  |  |  |  |
| --- | --- | --- | --- |
| **Details of Mother** | | **Details of Father** | |
| Name: |  | Name: |  |
| Address:  (if different to child) |  | Address:  (if different to child) |  |
| Telephone No’s: |  | Telephone No’s: |  |

1. **Household composition**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Relationship** | **DOB** | **Additional  Information e.g.  School/  Occupation/Other:** |

**8. Name and Address of other personnel or agencies involved with this child**

Social Worker

PHN

GP

Hospital

School

Gardaí

Pre-School/Crèche/YG

**Name**

**Address**

Other (specify):

**25**

1. **Details of person(s) allegedly causing concern in relation to the child**

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1. **Details of person completing form**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship to child: | |  | Age |  | | | Male | |  | Female |  |
| Name: | |  | | | | Occupation | | |  | | |
| Address: | |  | | | | | | | | | |
| Name: |  | | | | Occupation:  Telephone No’s: | | |  | | | | |
| Address: |  | | | |  | | | | |
|  | | | | |
| Signed |  | | | | Date: | | |  | | | | |

**Children First 2011**,

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**Errata to Children First**

**Children First Key Messages**

**Children First FAQs**

**Our Duty to Care**

**The Child Protection and Welfare Practice Handbook**

**Download: Standard Report Form** , pdf format or as a word document **Guidance Notes** to help you fill in the Standard Report Form.

Read **Children First 2011**, view the Notification of **Errata to Children First**

Read **The Child Protection and Welfare Practice Handbook**

Read **Children First Key Messages**

Read **Children First FAQs**

Read **Gordon Jeyes letter to staff, Allied Professionals and Partner Agencies re Children**

**First**

Read **Our Duty to Care**

Read **HSE Children First 2011 Press release**

Download Children First Standard Report Form , pdf format or as a word document

Read the **Guidance Notes** to help you fill in the Standard Report Form.