



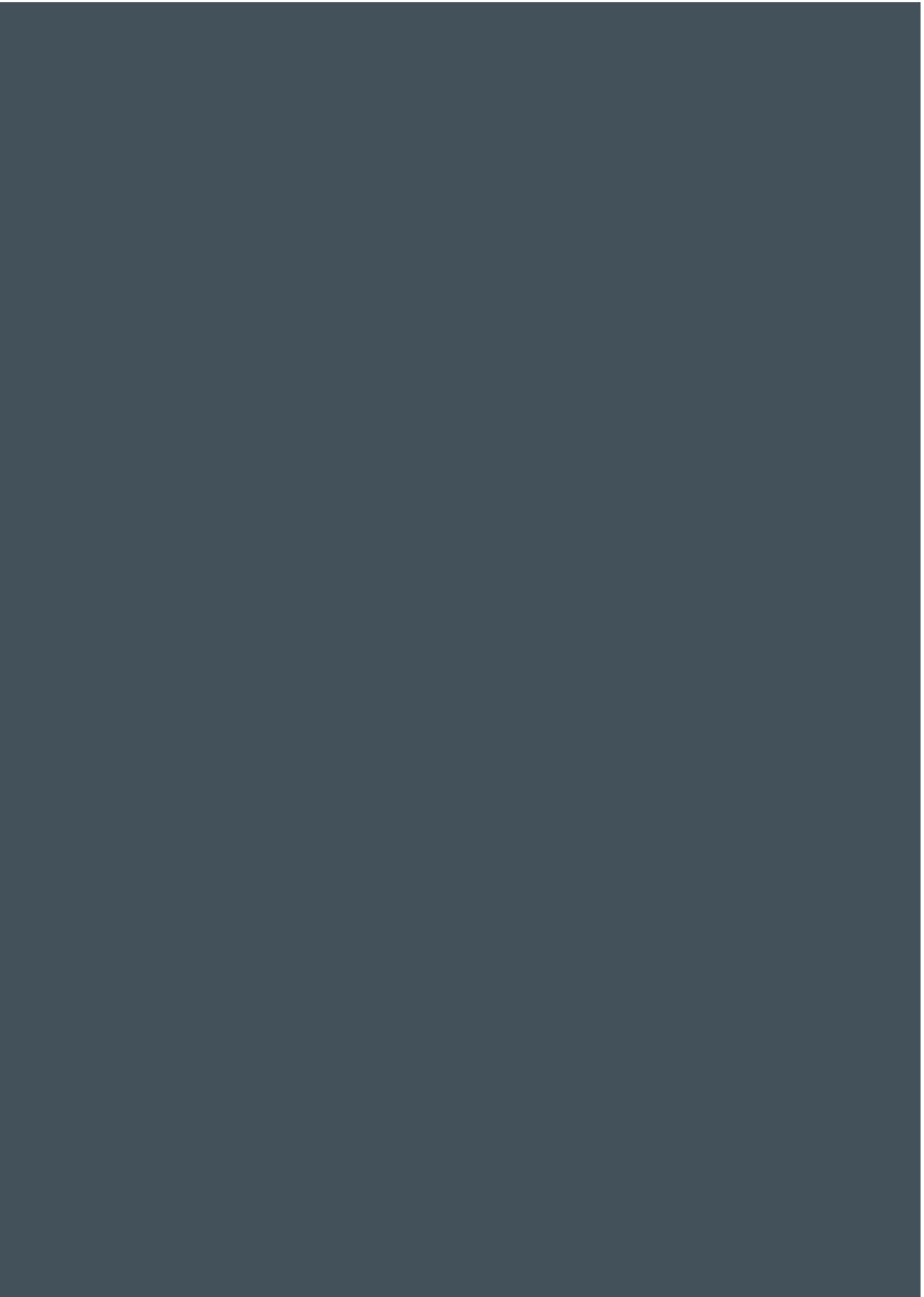
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Institiúid Teicneolaíochta Leitir Ceannainn
Letterkenny Institute of Technology

Protection of Children & Vulnerable Adults Policies & Procedures

June 2018





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DOCUMENT HISTORY

First Iteration: 30 October 2013	Date of next revision: 30 October 2015
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<i>Revision Number</i>	<i>Revision Date</i>	<i>Summary of Changes</i>	<i>Changes marked</i>
1	30/10/2013	Initial implementation of policy	
2	20/10/2016	Conclusion of process commenced October 2015	
3	20/6/2018	Child Protection Panel Review of Policy – Chair Dr G Taggart, Head of School	

Location

The document will be made available via the Institute website and intranet. It will be referenced in staff and student handbooks.

Approvals

This document was initially approved by:

<i>Title</i>	<i>Date</i>
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 June 2020.

NOTE: Review input including President's instructions contained in this Discussion Draft

1 INTRODUCTION

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

2 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 undertaking Institute sanctioned activities.

3 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 workplacements 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 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.

4 GLOSSARY/DEFINITIONS

<i>Child</i>	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.
<i>Vulnerable adults</i>	A person aged 18 years or over, who is in receipt of or may be in need of services by reason of intellectual 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.
<i>HSE/TUSLA</i>	Health Service Executive / Tusla the Child and Family Agency: Statutory Agencies.
<i>The Institute</i>	Letterkenny Institute of Technology (may be abbreviated to LYIT).
<i>Vet</i>	Definition of service by Garda Central Vetting Unit.
<i>GCVU (Garda Central Vetting Unit)</i>	The Garda Central Vetting Unit deals with requests to vet certain prospective employees and students working with vulnerable persons, including: <ul style="list-style-type: none"> ▪ Prospective employees of the Health Service Executive/Tusla 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.
<i>Nominating signatory</i>	Person responsible for ensuring that authorised signatories are available to engage with the GCVU
<i>Authorised Signatory</i>	Person authorised to communicate with GCVU on behalf of Letterkenny Institute of Technology.
<i>DCPP</i>	Designated Child Protection Person, persons authorised to deal directly, on behalf of LYIT, with concerns raised regarding abuse of children or vulnerable persons.
<i>Physical Abuse</i>	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.
<i>Emotional Abuse</i>	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 alone.
<i>Sexual Abuse</i>	Involves forcing or enticing a child or young person to take part in 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.
<i>Neglect</i>	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 LEGISLATION AND REFERENCE DOCUMENTATION

- Children First: National Guidelines for the Protection and Welfare of Children, Department of Children and Youth Affairs, 2017
- 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
- Data Protection Act, as amended by the Data Protection (Amendment) Act 2003 and the Data Protection Act 2018
- Freedom of Information Act 1997, as amended by the Freedom of Information (Amendment) Act 2003
- The Institute of Technology Act, 2006
- United Nations Convention on the Rights of the Child 1989
- the Domestic Violence Act 2018
- Letterkenny Institute of Technology Grievance Procedure
- Letterkenny Institute of Technology Student Complaints Procedure
- Dignity at Work Policy
- And other appropriate reference documentation as appropriate.

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 as is required by current policy and legislation.
- 6.5 LYIT will ensure that all staff will receive child protection awareness instruction and a briefing on LYIT's child protection policy.
- 6.6 LYIT will appoint a Garda Vetting Signatory and at least one Designated Child Protection Person, as required under the Children First Guidelines 2017.
- 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 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.

8 CODE OF PRACTICE FOR STUDENTS AND STAFF INVOLVED WITH PLACEMENTS

8.1 Staff and students likely to be undertaking direct work involving children based in placements associated with the 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.

8.4 Letterkenny Institute of Technology recognises that placements will have their own specific Child Protection Policies and Procedures in place and acknowledges that these will take precedence of the Institute's own policies in relation to activities undertaken on placement.

9 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). The Designated Child Protection Person contacted is then to log the disclosure in an Incident Log Book held by Office of the President of LYIT. 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

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/TUSLA 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/TUSLA, 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/TUSLA 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/TUSLA offices.

10.1.3 LYIT acknowledges its obligation to ensure that training, arranged by the HR Manager, and procedures are in place for DCPs which comply with legal requirements and best practice. The DCP 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

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 patterns 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

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

In the event that none of the DCPs can be reached, those with concerns about child safety may contact a member of the Executive Board. If contact cannot be made with a DCP or with the Registrar or President's Office, those with concerns re child safety should contact the HSE/TUSLA/Tusla directly. Should the HSE/Tusla not be available an Garda Síochána should be contacted and informed.

10.3.2 The DCP, 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 DCP will consider the report and either refer this immediately to the HSE/TUSLA or, after taking appropriate advice (for example, discussing the circumstances on a confidential basis with the Duty Social Worker in the HSE/TUSLA Children & Family Services), decide not to refer the concerns to the authorities but keep a full record of the concerns. This full record to be forwarded to the President's office for confidential filing and retention.

10.3.4 In the case of an emergency, where it is believed that a child is in immediate danger and the HSE/TUSLA 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/Tusla (HSE/TUSLA) Duty Social worker following the agreed procedures. The DCPP will also record the Incident and forward it to be logged in the President's Office. The DCPP should notify a member of the Executive Board, with the information that an incident has been reported, this information to be communicated to, and then noted by, the Registrar. (This to be undertaken without disclosing any confidential information specific to the case.) Should the incident require an investigation by the HSE/TUSLA/Gardaí, a member of the Executive Board should also be notified of this.

10.3.7 All information related to any person will be treated in confidence, on a strictly 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/TUSLA 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.

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 Justice 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 DCP, 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

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.

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/TUSLA 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/TUSLA.
- 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 Garda Vetting Guidelines are issued to students in their Registration Pack. In order to process Garda Vetting students have 3 steps to complete:

- Provide Adequate ID (list provided in Registration Pack)
- Complete and return the Garda Vetting Invitation form at Registration (issued in Registration Pack)
- Complete the e-vetting requirements.

On submission of the Garda Vetting Invitation by the Authorised Signatory in LYIT the National Vetting Bureau will forward a link to the email address supplied by the student on their Garda Vetting Invitation form, to enter the e-vetting system to fill out a Vetting Application Form. Students should look out for this e-mail arriving as they only have 30 days to complete the application. If a student fails to submit a Vetting Application within the 30 days they will have to re-submit your 'Garda Vetting Invitation Form'. When students have completed the application they should print out the completion page, they will need to produce this as proof of their E-vetting on-line completion.

Please note that Garda clearance only covers addresses in the Republic of Ireland and Northern Ireland. If students have resided in countries outside of the Republic of Ireland / Northern Ireland for a period of 6 months or more, it will be mandatory for them to furnish the LYIT with a Police Clearance Certificate from those countries stating that you have/have not convictions recorded against you while residing there.

Students should ensure that they apply for this as soon as possible as it can take up to 3 months to obtain. Students will be refused Placement without full satisfactory clearance.

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:

- 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

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.
- 14.3 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.
- 14.4 LYIT's HR department will review annually the needs requirements and training strategy for Child Protection.
- 14.5 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

Any student or staff member has the right of appeal in the event of their dissatisfaction with a decision of LYIT.

APPENDIX 1: AUTHORISED PERSONS OF LYIT IN RESPECT OF THE PROTECTION OF CHILDREN AND VULNERABLE PERSONS

Nominating signatory for Garda vetting

<i>Appointee recommended by President of Letterkenny Institute of Technology</i>	Paul Hannigan, President
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Authorised signatory for Garda vetting

<i>Appointee nominated by nominating signatory (1)</i>	Marnie Grier, Practice Placement Coordinator
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<i>Appointee nominated by nominating signatory (2)</i>	Anne-Marie Kelly, Registrar's Office
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Designated Child Protection Persons

<i>Name</i>	<i>Location</i>	<i>Contact Number</i>
Elizabeth McKenzie	Killybegs Campus	074 918 6625
Brian McGonagle	Office 3455, Letterkenny Campus	074 918 6170
Sean McEntee	Office 3319, Letterkenny Campus	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?

11. Have you spoken to the child or vulnerable adult? If so what was said?

12. Has anybody been alleged to be the abuser? If so give details.

13. Have you consulted an external agency or reported this to anyone else?

14. If so, give details (name of person, name of organisation, date and time).

15. Does the child or vulnerable adult require medical attention?

Signature _____ Date _____

APPENDIX 3: 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/TUSLA 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/TUSLA to provide child care and family support services
3. the improvement of the procedures to facilitate immediate intervention by the HSE/TUSLA 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/TUSLA
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 –

- a) 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
- b) 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.

THE DOMESTIC VIOLENCE ACT 2018 REPLACING THE DOMESTIC VIOLENCE ACT 1996 AND THE DOMESTIC VIOLENCE (AMENDMENT) ACT 2002

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

The legislation gives the HSE/TUSLA the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE/TUSLA 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/TUSLA to undertake an investigation of the dependent person's circumstances with a view to:

- a) applying for a Care Order or a Supervision Order under the Child Care Act 1991
- b) providing services or assistance for the dependent person's family, or
- c) 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/TUSLA 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.

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 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:

- i. protecting records covered by legal professional privilege
- ii. protecting records that would facilitate the commission of a crime
- iii. protecting records that would reveal a confidential source of information.

APPENDIX 4: RELEVANT PHONE NUMBERS

LYTT's Designated Child Protection Persons

<i>Name</i>	<i>Location</i>	<i>Contact Number</i>
Elizabeth McKenzie	Killybegs Campus	074 918 6625
Brian McGonagle	Office 3455, Letterkenny Campus	074 918 6170
Sean McEntee	Office 3319, Letterkenny Campus	074 918 6375
Anna Edwards	Office 2455, Letterkenny Campus	074 918 6394

Garda Síochána

Letterkenny:	074 916 7100
Killybegs:	074 973 1002

Donegal Child Protection Services

Letterkenny:	Millennium Court, Pearse Road, Letterkenny	074 912 3672/3770
Donegal Town:	Euro House, Killybegs Road, Donegal	074 972 3540
Buncrana:	Links Business Centre, Lisfannon, Buncrana	074 932 0420

The HSE/TUSLA National Counselling Service

They welcome calls (free phone number) from adults who have experienced abuse in childhood:

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

Other

General Emergency	999 or 112
Rape Crisis Centre, Donegal	1800 448 8544
Childline	1800 66 666
Noreen Herron HSE/TUSLA Children First Information & Advice Officer (Donegal Sligo, Leitrim, Cavan)	071 91355181 noreen.herron@tusla.ie
Markievicz House Barrack Street Sligo	

APPENDIX 5: HSE/TUSLA STANDARD REPORT FORM AND GUIDANCE NOTES

The HSE/TUSLA's Standard report form and the guidelines for completing it are both available on the HSE/TUSLA website (see Useful Links below).

HSE/TUSLA Guidance Notes on completing the Standard Report form

The HSE/TUSLA has a statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. The HSE/TUSLA 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/TUSLA.
- Any professional, individual or group involved in services to children, including HSE/TUSLA 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/TUSLA.

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/TUSLA aims to work in partnership with parents. If you are making this report in confidence, you should note that the HSE/TUSLA 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/TUSLA duty social worker and discuss your concerns with them.

Useful Links

Read [Children First 2011](#), view the Notification of [Errata to Children First](#)

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.





lyit

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