



**St Angela's Academy of Music**  
**Ursuline Convent**  
**Thurles**  
**Co Tipperary**  
**(504)20654**  
**musicacademy@uct.ie**

## **Child Protection Policy & Procedures**

St Angela's Academy of Music, Ursuline Convent, Thurles, Co Tipperary

Ratified on August 29, 2014

Updated on August 20, 2019

Reviewed on September 1, 2021

Reviewed on January 17, 2022

Reviewed on January 21, 2023

Reviewed on August 27, 2024



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## **Child Protection Statement**


We, St Angela's Academy of Music (the "**Academy**"), are dedicated to the protection and promotion of the welfare of all children and young people at our Academy. We are committed to providing our students with an environment that is safe, secure, and conducive to their musical learning, by ensuring that all measures have been taken to guarantee the wellbeing and safety of every child and young person while under our supervision. The welfare of the child is paramount, and the aim of this Policy is to honour and uphold that principle. We have established this policy with reference to *Children First: National Guidelines for the Protection and Welfare of Children*, published by the Department of Health and Children, whose recommendations provide the basis for our own procedures. This policy is aimed at all the children and young people at our Academy, together with their parents, and the wider school community. The Academy is committed to ensuring that all our children and young people are safe, respected and treated with dignity. We acknowledge the rights of children to be protected, be treated with respect, be listened to, and have their views taken into consideration.

This Policy details what steps will be taken to safeguard children, how it is to be done, and the key people within the Academy who are responsible for child safeguarding. The Policy will be upheld and put in practice by our staff (including volunteers and temporary/substitute teachers). All our members of staff are obliged to be familiar with this Policy and have been trained in child protection. Periodic training and refresher courses will be given to all staff to ensure that they fully understand the systems and procedures outlined in this Policy.

### **Our policy has been put into practice in the following areas:**

- Recruiting and selecting staff
- Managing and supervising staff
- Maintaining a code of behaviour
- Communicating with parents/guardians
- Preserving confidentiality
- Handling allegations of misconduct against staff
- Dealing with incidents and accidents
- Reporting disclosures/concerns/third party information

This policy will be reviewed annually or more frequently if required.

Signed: 

Kevin Sutton : **Designated Liaison Person for St Angela's Academy of Music.**



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Date: 27/08/2024

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## Important Contact Details

### St Angela's Child Safeguarding Team

#### Designated Liaison Person

Name: Mr Kevin Sutton, Head of Academy of Music/Music Teacher  
 Mobile: 086-1924504  
 Email: [musicacademy@uct.ie](mailto:musicacademy@uct.ie)  
 Room/building: The Office, St. Angela's Academy of Music, Ursuline Convent, Thurles, Co Tipperary

#### Deputy Designated Liaison Person

Name: Ms Linda Ryan, Voice Teacher  
 Mobile: 087-2342576  
 Email: [lindaryan01@gmail.com](mailto:lindaryan01@gmail.com)  
 Room/Building: 2<sup>nd</sup> floor, St. Joseph's House, St. Angela's Academy of Music, Ursuline Convent, Thurles, Co Tipperary

If you have concerns about a child, or if you are worried about a child's safety or welfare, you should contact the DLP (or their Deputy) who will contact the local TUSLA Children and Family Services (number set out below) and/or the Gardai. If you think a child is in immediate danger and TUSLA Children and Family Services cannot be contacted, the DLP shall contact the Gardai at any Garda Station.

#### TUSLA Child Services

Nenagh, Co. Tipperary  
 Tel: 067 46660

#### An Garda Siochana

Slievenamon Road, Thurles, County Tipperary  
 0504 25100

#### Additional Counselling/Support Services

**CARI** provides counselling and therapy services to children affected by child sexual abuse:  
 1890 924567 (Mon – Friday 9:30am- 5:30am).

**Childline:** 1800 666666

**Connect:** a freephone counselling services for adults who suffered abuse in childhood: 1800 477477

**ISPC:** 021 4509588



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**National Counselling Service (TUSLA): 1800 344116**  
**Rape Crisis Network Ireland: 091 563676**

## 1. What is Child Abuse?

Our staff has been trained to recognise and identify child abuse, and to recognise the signs and symptoms of abuse.

Child neglect or abuse can often be difficult to identify and may present in many forms...no one indicator should be seen as conclusive of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

*Children First, Chapter 2 at 2.6.1*

More detail on the definitions of child abuse and the signs and symptoms of abuse are set out in Appendices A and B of this Policy.

We recognise that the ability to recognise child abuse can depend on a person's willingness to accept the possibility of its existence. We accept that there are commonly 3 stages in the identification of child abuse.

1. Considering the possibility
2. Looking out for signs of neglect or abuse
3. Recording of Information

All members of staff are trained to be vigilant for signs of abuse and neglect. For example, if a student arrives in class with two black eyes, the teacher may suspect physical abuse. If a student has inadequate clothes suitable to the weather (e.g., no winter coat or jumper) and appears malnourished, the teacher may suspect neglect. When members of staff suspect that child abuse or neglect has occurred, they will immediately follow these procedures, and in particular the Reporting Procedure outlined at the "Reporting" section of this Policy. These Reporting Procedures apply equally to concerns, suspicions or third-party information regarding children who are not students at the Academy, but who staff of the Academy come into contact or otherwise receive information about raising concerns about their safety or welfare. For example, staff may receive information about individuals who are not involved with the Academy but who are in contact with children through other organisations or through family relationships. In addition, a concern about a potential risk to children posed by a specific person, even if the child or children are unidentifiable, should also be reported in accordance with the provisions of this Policy.

For example, if a member of staff receives information or has a suspicion relating to a sibling of a student, or overhears a conversation between students relating to another child which raises concerns, the provisions of this Policy apply to same and shall be followed in full.



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### **3. Roles and Responsibilities of the Designated Liaison Person (and their Deputy)**

The Designated Liaison Person is responsible for liaising with outside agencies where issues relating to child protection arise. In particular, the Designated Liaison Person has a duty to:

- (a) Act as a resource to any staff member or volunteer who has child protection concerns.
- (b) Ensure that the standard reporting procedure is followed.
- (c) Ensure that suspected cases of child neglect or abuse are referred promptly to the designated person in TUSLA Children and Family Services or in the event of an emergency and the unavailability of TUSLA, to An Garda Siochana.
- (d) Certain offences against children and vulnerable adults are subject to mandatory reporting to the Gardai. The DLP must ensure that if the suspected case of child neglect or abuse constitutes an offence against a child or vulnerable person under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, (as summarised in Appendix D), that a report is made to An Garda Siochana without delay.
- (e) Ensuring that all relevant records are shared with and/or made available to TUSLA Children and Family Services and/or An Garda Siochana when a child welfare or child protection issue arises.
- (f) Ensuring that the Academy cooperates fully with the statutory authorities, including attending at child protection and child welfare meetings as may be organised by TUSLA Children and Family Services (including but not limited to Child Protection Case Conferences and Strategy Meetings) in order to share information and contribute to good decision making.
- (g) Ensure that they are knowledgeable about child protection and undertake any training and refresher courses as may be necessary to keep themselves updated on new developments.

The Designated Liaison Person and their Deputy must be accessible to everyone associated with the Academy, and will be supported by training and supervision.



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#### **4. How to deal with disclosures, concerns, and suspicions – including Responding to a Child who Discloses Abuse**

A student may disclose abuse to a teacher as a trusted adult. It is important that all staff are aware and prepared for this. If a child or young person comes to a staff member at the Academy to disclose concerns of abuse, the staff member should adhere to the following guidelines:

- Be as calm and natural as possible.
- Remember that you have been approached because you are trusted. Do not panic.
- Be aware that disclosures can be very difficult for the child.
- Remember, the child may initially be testing your reaction and may only open up fully over a period of time.
- Calm the child or young person down, but be careful not to trivialise their concerns by playing down the gravity of the situation.
- Treat the child or young person seriously.
- Listen to what the child has to say.
- Maintain a neutral approach.
- Give them the time and opportunity to tell you as much as they are able to tell you, and wish to tell you.
- Do not pressurise the child. Allow him or her to disclose at their own pace and in their own language.
- Conceal any signs of disgust, anger, or disbelief.
- Accept what the child has to say – false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgment on, or anger towards, the alleged perpetrator while talking with the child.
- It may be necessary to reassure the child that
- feeling towards him or her has not been affected in a negative way because of what they have disclosed.

#### **Asking Questions**

- Do not ask leading questions. For example, do not ask whether a specific person carried out the abuse.
- Questions should be supportive and for the purpose of clarification only.
- Avoid asking about intimate details or suggesting that something else may have happened other than what you have been told.



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### **Confidentiality – Do not promise to keep secrets**

- Do not promise to keep the disclosure a secret.
- Explain that there are secrets which are not helpful, and which should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further ongoing hurt.
- Acknowledge that they have come to you because they trust you.
- Reassure the child or young person that you will act in their best interests.
- Tell the child that you will be sharing this information only with people who understand this area and who can help.

By refusing to make a commitment to secrecy to the child, the teacher/staff member runs the risks that the child may not tell them everything (or indeed anything). However, it is better to do this than to tell a lie, and ruin the child's confidence in yet another adult. Be honest with the child. By being honest, it is more likely that the child will return to the staff member/teacher at another time.

### **How to deal with disclosures, concerns, suspicions**

Immediately after receiving a disclosure/concern/suspicion, the staff/teacher must:

- Record in writing, in a factual manner, what the child has said (where the disclosure came from the child) or what the person making the disclosure/concern/suspicion has said.
- Insofar as is possible, the exact words used by the child/person should be recorded.
- Inform the Designated Liaison Person, or where they are not available, the Deputy Designated Liaison Person immediately.
- Report the matter directly to TUSLA (or to the Gardai where there is an immediate risk to the child and TUSLA cannot be contacted)
- Agree measures to protect the child.
- Maintain appropriate confidentiality.
- Ensure that all records are stored securely, and only those who need to have access to them can do so (i.e., only the Designated Liaison Person, and the Deputy Designated Liaison Person). Where records are stored electronically, ensure that adequate levels of encryption are maintained to an appropriate standard.





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### **Ongoing Support for the Child**

Following a disclosure by a child, it is important that the staff member continues in a supportive relationship with the child. Staff should continue to offer support, particularly through:

- Maintaining a positive relationship with the child
- Keeping lines of communication open
- Listening carefully to the child
- Continuing to include the child in the usual activities.

Any further disclosures should be treated in the same manner as the first disclosure. Where necessary, immediate action should be taken to ensure the child's safety.



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## **5. How to deal with concerns/reports received from Third Parties**

The Academy recognises that not all allegations, reports, suspicions, or concerns will be disclosed in person or by the victim directly affected by the abuse. Some reports may be made through third parties, or reported anonymously.

### **Anonymous Complaint/Report**

If an anonymous complaint/report is received by the Academy, the Academy will follow the procedures outlined in this Policy. The matter will be fully reported to the DLP, who will in turn make all necessary reports to TUSLA and/or the Garda Siochana.

### **Third Party Report**

If the allegation, report, suspicion or concern is made through a third party, the Academy will follow the procedures outlined in this Policy. The matter shall be fully reported to the DLP, who will in turn report such details as they have received from the third party to TUSLA and/or the Garda Siochana and will also pass on the contact details of the third party to TUSLA/Gardai.



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## **6. Retrospective Disclosures by Adults of child abuse when they were children**

The Academy includes students who have reached 18 years old, and therefore some of our students are “adults”. The Academy recognises that an increasing number of adults are disclosing abuse that took place during their childhoods, and that disclosures may be received from students who are adults. Their disclosures should be reported to the DLP in compliance with the provisions of this Policy. The Academy recognises that it is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser. All members of staff are advised to follow the reporting provisions of this Policy carefully, and ensure that any such disclosures are fully reported to the Designated Liaison Person. The adult who made the disclosure should be offered counselling to assist in supporting them. The contact numbers for helpful counselling organisations are set out at the beginning of this Policy.



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## **7. Reporting Disclosures to the DLP**

The Academy has put in place several specific procedures which must be followed in reporting disclosures (including retrospective disclosures), concerns, third party information (anonymous or otherwise) which are set out below.

### ***Who to contact in relation to disclosures, concerns, third party information etc.?***

The Academy has appointed Mr Kevin Sutton as the Designated Liaison Person for the Academy and Ms Linda Ryan Voice Teacher. Mr Kevin Sutton is the first point of contact that must be made in the event of a disclosure from any child or young person in the Academy's care. Should she be unavailable to respond to a concern, the Academy has appointed Ms Linda Ryan as deputy Designated Liaison Person to deal with any issues in the place of the Designated Liaison person. Both have received appropriate training and attend regular refresher courses in the field of child protection and welfare.

Steps have been taken to ensure that all staff, parents, guardians, children, and young people in the Academy are made aware of who the Designated Liaison Person is and how they can be contacted. The following notice is available to all members of staff:

### **Who to contact about issues relating to child protection and welfare?**

Please note that Mr Kevin Sutton has been selected as the person to contact in relation to child protection and welfare issues (the "**Designated Liaison Person**"). It is the duty of the Designated Liaison Person to provide advice and support to staff members about policy and procedures related to child protection at St Angela's Academy of Music. It is also the responsibility of this person to deal with any issues or disclosures and to report to and liaise with the Health Service Executive and An Garda Síochána where necessary. Mr Kevin Sutton is based in The Office, of St Angela's Academy of Music and may be contacted at 0876708431 or 0504 21561. Ms Linda Ryan has been named as deputy to Mr Kevin Sutton (the "**Deputy Designated Liaison Person**"). Mary is based in Ground Floor, St. Joseph's House, of St Angela's Academy of Music and may be contacted at 0876839525.

A notice is available for the benefit of all parents, guardians, children, and young people who enter the building. This notice is slightly different to the staff notice and reads as follows:



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## **CHILE SAFEGUARDING POLICY STATEMENT**

As a constituent member of the Catholic Church in Ireland, we recognise and uphold the dignity and rights of all children, are committed to ensuring their safety and well-being, and will work in partnership with parents/guardians to do this. We recognise each child as a gift from God, and we value and encourage the participation of children in all activities that enhance their spiritual, physical, emotional, intellectual, and social development.

All Church personnel (including clergy, religious, staff and volunteers) have a responsibility to safeguard children through promoting their welfare, health and development in a safe and caring environment that supports their best interest and prevents abuse.

Designated Liaison Person:	Kevin Sutton
Telephone:	0852719196 /0861924504
Deputy Designated Liaison Person:	Ms Linda Ryan
Telephone:	087-2342576
An Garda Siochana Thurles:	0504-25100
TUSLA: Duty Care Social Worker North Tipperary	067-38300

Child Protection Policy is available for viewing in the Music School Office.

(The above notice is on display in both buildings of the Music Academy.)



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**8. Reporting** - How to report Child Protection issues (including disclosures, concerns/suspensions, third party reports, retrospective disclosures etc) to TUSLA and An Garda Siochana

It is imperative that all issues relating to child protection are reported to the Designated Liaison Person without delay. This includes disclosure from a child or young person, third party reports, retrospective disclosures from an adult, where a member of staff has concerns/suspensions about a student, where a member of staff has concerns about children who are not part of the Academy community (e.g., children who are siblings of a student, or other unidentified or unidentifiable children) and here a member of staff has child protection concerns about another member of staff. The reporting procedures outlined in this Policy must be followed strictly. They can be summarised as follows:

1. The Designated Liaison Person will make a full report to TUSLA (using the Standard Report Form **SRF**, unless it is an emergency in which case TUSLA should be contacted by telephone, with the SRF following in due course)
2. If it is an **emergency** and TUSLA cannot be contacted, make a full report to An Garda Siochana.
3. Make a full report to **An Garda Siochana** if the matter falls into category of abuse under the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 (see Appendix D).

This is a summary only. Laid out below is a detailed procedure of the steps which will be taken by the DLP. Every member of staff is familiar with the steps they need to take should a child or young person come to them with a disclosure, or if they have any concerns/suspensions or receive third party information. The following is a list of measures which should be taken:

1. The Designated Liaison Person must be informed immediately or, if they are unavailable, the Deputy Designated Liaison Person must be alerted in their place.
2. The Designated Liaison Person may contact TUSLA to seek informal advice before making a full report. The contact details for the local TUSLA Child and Family Services office are as follows:

**TUSLA Child Services**

Tipperary North Child Protection Services: Civic Offices, Limerick Road, Nenagh, Tipperary,  
 Telephone: 067 46660

3. Depending on the recommendation of TUSLA and considering any reasonable grounds for suspicion or concern, the Designated Liaison Person should complete a thorough report, detailing all relevant particulars of the situation, and submit it to the appropriate Duty Social Worker at the Health Service Executive as soon as possible. This report shall take the form of the Standard Report Form (See **Appendix C** of this Child Protection Policy).



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4. In the event of an emergency, where the child or young person is in immediate danger and TUSLA cannot be contacted, the Designated Liaison Person should contact An Garda Síochána to ensure the safety of the child or young person.
5. The Designated Liaison Person should inform the parents or guardians of the child or young person that a report is being submitted to TUSLA (unless this will endanger the child or young person or put them at further risk). When informing the parents/guardians, the Designated Liaison Person **should not disclose to the parents/guardians any names or details capable of identifying the person against whom the complaint/report has been made**, as this may lead to a claim under the Defamation Act 2009<sup>1</sup>. The Designated Liaison Person shall inform the parent/guardian of the name and contact details of the relevant person dealing with the report in TUSLA Children and Family Services. TUSLA may decide to disclose the name and detail of the person against whom the complaint/report has been made to the parent/guardian of the child/young person concerned. For the avoidance of any doubt, the Designated Liaison Person must share all relevant information (including the name of the person against whom the complaint/report has been made) with TUSLA **and Gardai**.
6. If the concern or disclosure relates to an offence against a child or vulnerable adult (as defined in the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012) the matter must be immediately reported to An Garda Síochána. The contact details for the local Garda Station are set out below:

**An Garda Síochána**

Slievenamon Road, Thurles, County Tipperary  
 Telephone: 0504 25100

A list of those offences set out within the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 which must be reported to An Garda Síochána are set out at **Appendix D** of this Policy. For the avoidance of doubt, if the alleged offence falls within one of those listed in the Appendix D, **a report must be made to the Gardai even if a report has already been made to TUSLA, and even if the situation is not an emergency**. In the event that the Designated Liaison Person (or the Deputy Designated Liaison Person) has a doubt as to whether the alleged offence is one which falls within an offence as set out in the 2012 Act and is uncertain as to whether it should be reported to the Gardai, they should contact the local Garda Station (details set out above) or the specialist Garda unit in Dublin (details below) and should record the advice they receive in writing, noting the name of member of An Garda Síochána with whom they speak, the Garda's rank and number, and the date and time of their conversation:

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<sup>1</sup> Although the DLP may have a defence on the grounds of "qualified privilege", this is a defence, not an exemption to a claim of defamation and would have to be pleaded in court. It is more prudent to leave the naming or identification of the person concerned to TUSLA.



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**National Bureau of Criminal Investigation**

Garda Headquarters  
Harcourt Square  
Dublin  
Telephone: 01 6663430

7. All information should be imparted on a strictly need-to-know basis to the statutory authorities, and confidentiality should be maintained as far as it is practical to do so.
8. The child or young person in question should be kept updated regularly on all actions taken in relation to their disclosure.
9. Each step in the reporting procedure should be recorded in the Incident File.

**Important Note: Emergency**

In an emergency, where the Designated Liaison Person (or any other member of staff) has reason to believe that a child may be in immediate danger from child abuse, and TUSLA cannot be contacted, the Gardai should be contacted immediately by contacting any Garda station. Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending TUSLA investigation. In some circumstances, pursuant to the provisions of the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012, a report will also be made to An Garda Siochana even when TUSLA have been notified





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## **9. How to Record Disclosures/Concerns, Suspicions**

### **Disclosures**

The Academy has established a standard procedure when it comes to recording disclosures, concerns, suspicions, third party information etc. Particulars of all disclosures must be recorded in an Incident File, which is stored in the office of the Designated Liaison Person. Only the Designated Liaison Person or their deputy may access this Incident File to give it to another member of staff. This ensures that, as far as it is possible, all matters of confidentiality remain private. When recording a disclosure from a child or young person in the Incident

File, the following details must be included:

- The identity of the child or young person who made the disclosure.
- The identity of the staff member to whom the disclosure was made.
- The identity of the person allegedly causing the concern/harm to the child.
- The date, time, and location of where the disclosure was made.
- An account of the incident which the child or young person disclosed – this must be written in the same words as how they described it and should not be paraphrased by the staff member recording the incident.
- A description of the actions that the staff member took following the disclosure – who they reported the disclosure to and what steps were taken following this.
- **A follow-up report** detailing how the disclosure was dealt with and what measures were taken to resolve the situation.

### **Concerns/Suspicions or other incidents which may not initially reach the threshold to be reported to TUSLA**

There may be situations where a member of staff has concerns or suspicions which may not reach the threshold of issues which should be reported to TUSLA. For example, a suspicion which is not supported by any objective indication of abuse or neglect may not constitute a reasonable suspicion or reasonable grounds for concern. The Designated Liaison Person must inform the staff member who raised the concern that they will not be reporting the matter to TUSLA/Gardai. If that staff member remains sufficiently concerned, they are free as individuals to consult with or report to TUSLA/An Garda Síochána as set out at section (11) of this Policy. However, these concerns or suspicions must be reported or noted internally in the Incident Book. These concerns or suspicions may, when taken together with additional facts obtained at a later stage, lead to the decision to make a report to TUSLA and in some cases the Garda Síochána. These Incident Reports may provide important information for TUSLA or An Garda Síochána.



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When recording a concern/suspicion which may not reach the threshold to be reported to TUSLA, the following details must be included in the Incident File:

- The identity of the child or young person about whom the suspicion/concern relates.
- The identity of the staff member who raised the suspicion/concern.
- The identity of the person allegedly causing the concern/harm to the child.
- The date, time, and any other details relevant to the suspicion/concern.
- An account of the facts and circumstances giving rise to the particular suspicion/concern. Where recounting a conversation with a child or young person, this must be written in the same words as how they described it and should not be paraphrased by the staff member recording the suspicion/concern.
- A description of any actions that the staff member took following the suspicion/concern, including who they reported the disclosure to and what steps were taken following this.
- A follow-up report detailing how the suspicion/concern was dealt with and what, if any, measures were taken to monitor or resolve the situation.

### **Standard Reporting Form**

When reporting child protection and child welfare concerns to TUSLA, the Designated Liaison Person shall utilise the Standard Report Form (SRF) set out at Appendix C hereto. If a report is made to TUSLA by telephone, the SRF should be completed and forwarded subsequently to TUSLA.



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## **10. Preserving Confidentiality for all Child Protection Records (disclosures, suspicions/concerns, third party information, retrospective disclosures)**

We at the Academy recognise the importance of preserving people's rights to confidentiality. We are committed to maintaining a strict code of confidentiality. However, in relation to child protection and welfare we acknowledge that sometimes confidential information must be shared with statutory authorities to serve the best interests of the child or young person. The following procedures apply to all child protection records held by the Academy (including but not limited to reports of disclosures, suspicions/concerns, third party information, retrospective disclosures etc):

- Records must be prepared contemporaneously or as soon as possible after an incident or meeting.
- Records must be signed by the person who prepared them, and dated.
- Record must be recorded carefully, preferably typed but in any event using clear handwriting.
- Personal information is recorded and stored confidentially and may only be accessed by the Designated Liaison Person or their Deputy.
  - **Physical records** will be stored in a locked filing cabinet located in a room to which only the Designated Liaison Person and their Deputy have a key. This room is locked when either the DLP or their Deputy is not occupying the room.
  - **Electronic records** (including those in email form, documents/records stored on a computer, stored on a USB stick, or stored on any other portable format) are password protected and encrypted with an appropriate level of encryption software.
- There may be occasions when Child Protection Records may have to be taken out of the secure filing system referred to above, e.g., to attend a TUSLA Care Conference relating to a student. Child Protection Records may not be taken out of the Academy building unless Mr Kevin Sutton, Head of Music has given her prior written permission for this to happen, and practical and robust security arrangements are put in place to preserve the confidentiality and security of the records.
- No undertaking regarding secrecy can be given. This must be made clear to all parties involved. However, all legal requirements will be followed with regard to keeping information confidential. For the avoidance of any doubt, the provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality, a breach of privacy, or a breach of data protection.
- Information is shared on a need-to-know basis in the best interests of the child with the relevant statutory authorities (i.e., TUSLA and An Garda Siochana). The Academy has a clear policy of co-operating fully with TUSLA Children and Family Services and An Garda Siochana on the sharing of their records where a child welfare or child protection issue arises. This includes a clear commitment on the part of the Designated Liaison Person (or their Deputy) to attending at child protection and child welfare meetings as may be organised by TUSLA Children and Family



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Services (including but not limited to Child Protection Conferences and Strategy Meetings) to share information and contribute to good decision making.

- Giving confidential information to others for the protection of a child or young person is not considered a breach of confidentiality.
- All records kept in relation to the Academy's handling of any child-protection matter (including correspondence, notes of meetings/discussions, incident report logs etc) shall be treated as highly confidential and stored securely in the Designated Liaison Person's secure filing system (as detailed above). Where the documents are stored electronically (i.e., on a computer, on a USB stick) they must be password protected and have an adequate level of encryption.
- Parents/Guardians, children and young people have the right to know if personal information is being shared, unless doing so could put the child at further risk. The Designated Liaison Person (or their Deputy) who suspects child abuse or neglect should inform the parents or guardians that a report is being submitted to TUSLA Children and Family Services or to An Garda Siochana, unless doing so is likely to endanger the child. When informing the parents/guardians, the Designated Liaison Person **should not disclose to the parents/guardians any names or details capable of identifying the person against whom the complaint/report has been made**, as this may lead to a claim under the Defamation Act 2009<sup>2</sup>. The Designated Liaison Person shall inform the parent/guardian of the name and contact details of the relevant person dealing with the report in TUSLA Children and Family Services/An Garda Siochana. TUSLA/An Garda Siochana may decide to disclose the name and detail of the person against whom the complaint/report has been made to the parent/guardian of the child/young person concerned. For the avoidance of any doubt, the Designated Liaison Person must share all relevant information (including the name of the person against whom the complaint/report has been made) with TUSLA and Gardai.
- Every measure will be taken to ensure that the confidentiality and welfare of our students are prioritised above every other consideration, within the normal limits of confidentiality.
- Freedom of Information does not apply to the Academy.
- Data Protection Acts: The Academy is a data controller for the purposes of the Data Protection Acts 1988 and 2003 (as amended).

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<sup>2</sup> Although the DLP may have a defence on the grounds of "qualified privilege", this is a defence, not an exemption to a claim of defamation and would have to be pleaded in court. It is more prudent to leave the naming or identification of the person concerned to TUSLA.



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- All records relating to child protection will be stored indefinitely and will not be destroyed. The levels of security and confidentiality set out above will apply to all child protection records, regardless of how old they are or when they were created.



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## **11. Cases not reported to TUSLA or An Garda Siochana**

In those cases where the Designated Liaison Person decides not to report concerns to TUSLA or An Garda Siochana, the member of staff (including non-teaching staff, or unpaid volunteers) who raised the concern(s) should be given a clear written statement of the reasons why the Academy is not taking such action. The member of staff should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, TUSLA or An Garda Siochana. The provisions of the Protection for Persons Reporting Child Abuse Act 1998 (referred to above) apply once they communicate to TUSLA or An Garda Siochana "reasonably and in good faith".



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## **12. Ongoing Support for the Member of Staff**

The Academy is committed to protecting its staff. Dealing with child protection issues can be distressing for members of staff. Staff are encouraged to talk to the Designated Liaison Person (or their Deputy) if they feel that they need additional support or counselling. The Academy will provide support to individuals who are dealing with or who have dealt with a child protection and child welfare concerns or disclosures.



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### **13. Failure to Report, Failure to Follow this Policy**

This Policy is in place to protect and safeguard all those in our care. It will be treated as a matter of utmost seriousness if any member of staff (including volunteers and non-teaching staff) fails to strictly adhere to this policy. Any member of staff who fails to follow this Policy to the letter may be subject to disciplinary procedures, the potential sanction of which include (but are not limited to) demotion, suspension without pay, dismissal. In addition, any failure to follow this Policy may be a criminal offence. All individuals to whom this Policy relates must be mindful of the following pieces of criminal legislation:

Section 176 Criminal Justice Act 2006 – reckless endangerment of children:

“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 risk while knowing that the child is in such a situation is guilty of an offence.

Sections 2 and 3 of the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.

A person shall be guilty of an offence if they know or believe that an offence has been committed by another person against a child or vulnerable person, and he/she has information which he knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of An Garda Síochána.

It is the duty of each member of staff and person to whom this Policy relates to ensure that any concerns or suspicions are reported immediately in compliance with the terms of this Policy. The Designated Liaison Person (or, where they are unavailable, the Deputy Designated Liaison Person) will report all relevant matters to TUSLA and An Garda Síochána. In this regard, the Designated Liaison Person, the Deputy Designated Liaison Person, and all other individuals reporting concerns of child abuse shall enjoy protection under the Protection for Persons Reporting Child Abuse Act 1998 where they report child protection concerns to a designated officer of TUSLA or a member of the Garda Síochána:





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**Protection from civil liability of persons who have reported child abuse:**

Section 3: "A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that –

- (a) A child has been or is being assaulted, ill-treated, neglected, or sexually abused, or
- (b) A child's health, development or welfare has been or is being avoidably impaired or neglected, unless  
it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

**Protection of employees from penalisation for having reported child abuse:**

Section 4: An employer shall not penalise an employee for having formed an opinion of the kind referred to in Section 3: of this Act and communicated it, whether in writing or otherwise, to an appropriate person if the employee has acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person".



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#### 14. Handling Allegations of Misconduct against Staff

In the event of an allegation of misconduct being made against a staff member, the protection of the child or young person is the paramount consideration. The priority is to ensure that no child is exposed to unnecessary risk. These kinds of allegations constitute a very serious concern for the Academy. The Academy has procedures put in place to deal with the matter immediately:

- When an allegation is received, it should be dealt with promptly and carefully by the Designated Liaison Person. The Designated Liaison Person will not carry out an assessment of the allegation: this is the role of TUSLA.
- The welfare of the child is paramount, and this be recalled at all times to ensure that there is no delay in reporting.
- The first priority is to ensure that the child or young person is not exposed to any unnecessary risk.
- The Academy will, as a matter of urgency, take any necessary protective measures. These measures shall be proportionate to the level of risk and shall not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children.
- The Designated Liaison Person (and/or their Deputy) will take full responsibility for making a report to the statutory authorities in line with the provisions of this Policy.
- Steps should be taken in accordance with the section below: "How to report Child Protection issues (including disclosures, concerns/suspicious, third party reports, retrospective disclosures etc)", to make reports to TUSLA/Gardai where there are reasonable grounds for concern.
- Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed "reasonably and in good faith".
- Two separate people must be assigned to the matter.
  - One person will be allocated to provide support to the child/young person, and support them during their meetings with TUSLA/An Garda Síochána. In the normal course (i.e., in the event of there being no conflict of interest, and the Deputy DLP being available to carry out the task), this person will be the Deputy Designated Liaison Person.
  - One person will be allocated to provide support to the staff member, and attend as a support person during their meetings with TUSLA/An Garda Síochána. This person shall not be the Designated Liaison Person or the Deputy Designated Liaison Person.
- Mr Kevin Sutton, Director/Administrator will take responsibility for implementing the provisions of any Disciplinary Procedure, although that Disciplinary Procedure may be "paused" pending the conclusion of any investigation/assessment being conducted by TUSLA and/or An Garda Síochána. If the allegation relates to the Head of Music, the Academy will appoint some other senior member of staff to administer the disciplinary procedure.
- Mr Kevin Sutton, Director/Administrator will arrange a private meeting with the staff member as soon as possible to privately inform them of:



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- The fact that an allegation has been made against him/her
  - The nature of the allegation.
- If the allegation relates to the Head of Music, the Academy will appoint some other senior member of staff to hold a private meeting with the Head of Music to privately inform them of the information referred to above.
  - The staff member should be given an opportunity to respond.
  - The response of the employee shall be noted, and passed on to TUSLA Children and Family Services (and/or An Garda Síochána) if a formal report is being made.
  - All stages of the process must be fully and carefully recorded. These records must be prepared, stored, and maintained in accordance with the procedures outlined at the section "Preserving Confidentiality for all Child Protection Records (disclosures, suspicions/concerns, third party information, retrospective disclosures)".
  - Any action following an allegation against a staff member should be taken in consultation with the Health Service Executive and the Gardaí.
  - The Academy will take care to ensure that actions taken by them do not undermine or frustrate any investigation/assessments conducted by TUSLA Children and Family Services or An Garda Síochána. Through the Designated Liaison Person, the Academy will maintain a close liaison with the statutory authorities to achieve this.
  - Where an investigation/assessment is being conducted by a statutory authority, the Academy will in the first instance consider whether placing the individual on administrative leave with pay, pending the conclusion of the investigation/assessment being carried out by the statutory authorities.
  - The Academy will ensure that any action taken should be guided by agreed procedures (if any), the employee's employment contract, and the rules and principles of natural justice.
  - The child or young person, their parents/guardians, and the accused staff member must all be informed of actions planned and taken.
  - The child or young person should be dealt with in an age-appropriate manner.
  - In some cases, it may be necessary to seek legal advice.



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## 15. Recruiting and Selecting Staff

The Academy carries out several steps in the recruitment and selection process to make sure that those selected are fully suited to working with children. The following steps must be adhered to for every staff appointment:

- The post must be advertised on music websites and in music colleges/publicised as widely as possible.
- The advertisement will give a clear definition of the role and responsibilities, as well as the expected skills of the successful applicant.
- Candidates are required to complete an application form which contains a clear job description and asks for all relevant information about the applicant, including past experience of working with children.
- Candidates are furnished with information about the organisation and its activities on request (see our website [www.uct.ie](http://www.uct.ie)).
- Candidates are furnished with an application form for completion, prior to being called for interview.
- The application form shall require the applicant to provide the following:
  - Their name
  - Their address
  - A photograph of themselves
  - Their signature
- Candidates will be asked to sign a declaration form, stating that there is no reason why they would be unsuitable to work with children or young people.
- An interview with each applicant will be carried out by a panel of two or more representatives from the Academy, using an agreed set of criteria.
- At least two written references should be supplied by each candidate, and these will be subsequently confirmed by phone, letter, or a personal visit. References from family members are not acceptable. There will be a rigorous checking of all references prior to any candidate being offered a position.
- Candidates must be asked to consent to Garda vetting. Garda vetting is a condition of employment with the Academy.
- Garda vetting clearance must be sought before the final selection is made, and any appointment is made subject to a clear Garda vetting outcome. There may be certain minor offences/convictions



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which may not exclude a candidate from being offered a job (e.g., a conviction for failure to pay a TV licence). A decision will be made by the recruiting panel on a case-by-case basis. The recruitment panel will take the following considerations into account when reaching such a decision:

- The paramount importance of child protection, child welfare
  - The reputation and Christian ethos of the Academy
  - The need to maintain and uphold an orderly, respectful workplace.
  - The importance of harmony within the Academy and its wider community, and in particular the preservation of the good working relationship which the Academy has with A Garda Siochana.
- Considering all information received about the candidates through application forms, interviews and Garda vetting, the person deemed most suitable for the position should be selected and then contacted.
  - Once the position has been filled, all unsuccessful candidates will be notified.
  - All successful candidates will be offered a written contract of employment, containing a probationary period. They will be monitored closely during their probationary period to ensure satisfactory performance. See "Managing and Supervising Staff" below for further information.
  - The contract of employment and the Employee Handbook requires the employee to comply with all Policies currently in place within the Academy, including the Child Protection Policy. Contracts of Employment will be agreed by management and workers. Failure to comply with the Child Protection Policy constitutes a disciplinary matter and will be dealt with under the Academy's Disciplinary Procedure, Code of Conduct, and/or Code of Behaviour.



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## 16. Managing and Supervising Staff

We are committed to ensuring that all staff members who are selected to work in our Academy abide by the Academy's policies and regulations and contribute to a safe environment for all our students. We maintain this commitment by observing the following principles:

- New staff members must be made aware of the Academy's Code of Behaviour, Child Protection Policy, and the identity of the Designated Liaison Person.
- As part of their induction process, new staff members must be fully trained in relation to the Child Protection Policy to ensure that they are familiar with and understand the reporting process.
- New staff members must undergo a probationary period of at least one school term (for example, September to December) during which time the Academy may assess their suitability to working with children and their commitment to our Child Protection Policy. Their probationary period may be extended where circumstances warrant.
- Regular training and refresher courses will be provided to all staff members in the areas of child protection and health and safety as often as deemed necessary.
- The Academy recognises that training needs will change continuously and training in child protection and welfare is an integral part of its work. The Designated Liaison Person and their Deputy will develop a training strategy for child protection and welfare to be rolled out in the Academy, which strategy will be reviewed at least annually. A specified percentage of the annual budget of the Academy will be committed to child protection training.
- All staff will receive child protection and welfare training (either in-house or external training).
- The Academy must maintain an up-to-date record of all individual staff timetables to be aware of who is present in the Academy at any given time.
- Due to the nature of instrumental teaching, staff interact most often with students on a one-to-one basis which minimises opportunities for constant staff supervision, therefore windows are installed in every music room door to maintain an air of openness, transparency, and monitoring. This is for the protection of both students and staff.
- Staff meetings must be held twice yearly to provide staff members with the opportunity to voice any questions that they may have, any problems they are experiencing, or any suggestions for change which they wish to make.
- Staff are encouraged to talk to Mr Kevin Sutton, the Head of Music if they feel that they require any additional support.
- There is a duty on all staff to make full disclosure to the Academy of all issues which may affect their employment within the Academy. This includes but is not limited to the requirement for staff to disclose any convictions they may have been subject to since they commenced employment and underwent Garda vetting, including any occasions where they were given the benefit of the Probation Act.



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## **17. Boundaries and Safe Contact**

All staff must have a clear understanding of the appropriate boundaries which must be in place between teachers and students. Due to the potential for abuse of position, and the child protection concerns which obviously arise, staff are prohibited from having any relationship with any student (either under or over 18 years old) other than a respectful teacher/student relationship respecting all appropriate boundaries which are prudent in that context. In addition to this, it is not appropriate for teachers to maintain a friendship with their students outside the teaching context. It is not appropriate for teachers to telephone their students for a social "chat", to arrange to meet them socially, or to engage in sending emails, texts, Facebook contacts, tweets, or another social media contact with their student. It is inappropriate for the teacher to send or receive any images or photographs from or relating to their student. Where the teacher receives any unsolicited contact from or relating to their student, the teacher must notify this to the Designated Liaison Person without delay and seek their advice.

The only appropriate contact which should take place between a teacher and a student outside of hours relates strictly to their lessons, e.g., the cancelling of a lesson and rearranging it for another time, or providing the name of a textbook which the student should have for their next lesson. In the first instance, all such contact should be made between the teacher and the student's parent/guardian. The teacher should only contact the student himself or herself if the teacher has been unable to reach the parent/guardian.

If any member of staff has a concern about another member of staff, this should be discussed with the Designated Liaison Person (or their Deputy). In the event of any issue coming to the attention of management of the Academy, the relevant staff member will be dealt with under the Academy's Disciplinary Procedure.

Failure to respect these boundaries and safe practices will be taken very seriously by the Academy. It will be treated as a disciplinary matter under the Academy's Disciplinary Procedure/Code of Conduct. In relevant cases, TUSLA, An Garda Siochana and other necessary statutory authorities will be informed.



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## **18. Supervising One-to-One Activities**

The Academy recognises that many of the teaching activities carried out will be one-to-one in a private room, e.g., an individual piano less with the teacher and student. The nature of such teaching minimises opportunities for constant staff supervision. To protect both our student and our staff, the following procedures are in place within the Academy:

- windows are installed in every music room door to maintain an air of openness, transparency, and monitoring.  
 Mr Kevin Sutton, Head of Music, shall make unannounced visits to lessons from time to time.
- Parents/guardians are informed about the structure, content, and duration of the class (e.g., the teaching techniques, material covered, length of lesson etc).
- Ensure that parents/guardians are informed of the Child Protection Policy and how to make a complaint if they have any concerns.
- Parents/guardians are encouraged to bring and collect their student from classes.
- Provide feedback on progress regularly and keep a written record. This information can be transmitted to the parent/guardian in the student's "Practice Book" which will be maintained by the teacher and the student.
- Maintain open communications with all parties and invite feedback including comments or complaints.
- Address any difficulties or issues promptly and keep a written record of any issues discussed/agreements reached.





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## 19. Maintaining a Code of Behaviour for Staff

The Academy has developed a general code of behaviour which adopts a child-centred approach and ensures a safe and supportive environment for staff and students alike. All staff members must adhere to these guidelines:

- Be sufficiently prepared for every lesson, both mentally and physically.
- Observe appropriate dress and behaviour.
- Use appropriate language, both physically and verbally.
- Use age-appropriate teaching materials.
- Be aware of children and young people's other commitments when scheduling practice times and activities.
- Don't leave children unattended or unsupervised.
- Seek consent of the child or young person in relation to physical contact (e.g., ask their permission before you touch their hand to show them how to position their bow when playing a stringed instrument).
- Don't engage in inappropriate touching of any form. This means that any form of touching which is not necessary and directly related to the student's musical training is strictly prohibited. For example, touching any area of the student's body without their consent and without it being directly related to their musical training, hitting, slapping, rapping, hugging, kissing, stroking is strictly prohibited.
- Don't hit or physical harm any child or young person.
- Avoid giving a lift to a child or young person but if it is necessary, make sure the parents/guardians are informed beforehand.
- Encourage children and young people to report any bullying, concerns or worries.
- Don't be passive in relation to concerns; make sure some form of action is taken.
- Be inclusive of children and young people with special needs.
- Respect differences of ability, culture, religion, and race.
- To treat all children equally in line with the Equal Status Acts 2000-2004 and in particular not to discriminate on any of the prohibited grounds (gender, civil status, family status, age, race, religion, disability, sexual orientation, membership of the Traveller community).
- Create an atmosphere of trust.
- Respect every child and young person's personal space.
- Treat all children and young people equally and as individuals.
- Offer constructive criticism where it is needed.
- Have fun and encourage a positive environment.
- Provide encouragement, support, and praise, regardless of ability.
- Avoid focusing excessively on a particular child or young person, either positively or negatively.
- Involve children and young people in decision-making, where appropriate.
- Keep parents/guardians informed of any issues relating to their children.
- In most cases, classes will be one-on-one (i.e., one teacher to one pupil). Therefore, windows are installed in every music room door to maintain an air of openness, transparency, and monitoring. This is for the protection of both students and staff.



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## **20. Dealing with Incidents and Accidents**

It is vitally important to take health and safety concerns into account when considering the issue of child protection. Listed below are several precautions that must be taken in this area as well as the steps which should be taken in the event of an accident:

- The Academy must maintain up-to-date records of the contact details of all students and their parents/guardians.
- Numbers for emergency services should be prominently displayed.
- First aid kits should be easily accessible and regularly re-stocked.
- Staff members should be familiar with the location of first aid kits and receive basic training in first aid.
- There is a designated person always trained in First Aid on-site during which the Academy is operational.
- Children and young people should be made aware of any potential health and safety risks to themselves and others.
- Extra precautions must be taken for activities or events which take place outside the Academy.
- If a child or young person gets injured, the teacher present must immediately contact the emergency services.
- The Head of Music of the Academy and the child or young person's parent/guardian must also be notified.
- It is important not to touch or move the child or young person more than absolutely necessary and to try to keep other students away from the scene as much as possible.
- Once the emergency services arrive, the teacher must ensure that everyone present complies with their instructions.
- All details of the accident must be recorded afterwards into the Incident File, which is kept in the office of the Designated Liaison Person. The Incident File details all accidents, incidents and near misses. It is the obligation of each member of staff to complete a report log in the Incident File if they witness any accident.
- Those involved in the accident must be kept informed of any action that may be taken as a follow up to the incident.
- The Academy has in place an appropriate insurance policy relating to public liability and occupiers' liability. In the event of any accident occurring, a notification must be made to the Academy's insurance company as soon as possible (even if no claim is being made).



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## **21. Involving Children– Making them aware of the Child Protection Policy**

The Academy is dedicated to providing our students with an environment that is safe, secure and conducive to their musical learning. The welfare of the child is paramount. The Academy is committed to ensuring that all our children and young people are safe, respected and treated with dignity. We acknowledge the rights of children to be protected, be treated with respect, be listened to, and have their views taken into consideration. To this end, a copy of this Child Protection Policy is publicly displayed in the foyer/reception area of the Music School Building and the names, photographs and contact details of the Designated Liaison Person and the Deputy Designated Liaison Person are prominently displayed.

We encourage all students to come forward if they have a complaint, or a concern, and will treat their disclosure with respect and dignity. More advice is available at the section "How to deal with disclosures, concerns and suspicions – including Responding to a Child who Discloses Abuse".



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## **22. Communication with Parents/Guardians**

We acknowledge that it is very important to keep the parents/guardians of our students fully informed on Academy policies and on any issues relating to their children. As part of the application/enrolment process, the Academy will seek the details of the child's parents/guardians to determine who has the right to give consent and instructions in relation to the child and their education.

To this end, we have laid out a list of recommendations for keeping the lines of communication open between the Academy and the parents/guardians:

- The Academy must have contact details for all parents/guardians, including who to contact in case of an emergency.
- Parents/Guardians are responsible for informing the Academy about any special needs their child may have.
- Arrangements for dropping off and picking up children should be mutually agreed upon between teachers and parents/guardians.
- If a lesson needs to be cancelled, the teacher is responsible for informing the student and their parents/guardian.
- Parents/Guardians must be made aware that they are required to inform the teacher if their child cannot make it to a lesson for any reason.
- Parents/Guardians are encouraged to get involved in the Academy's activities where this is practical.
- Permission from parents/guardians should be sought if their child is to be involved in any activity outside of the normal running of the school.
- Parents/Guardians should be made familiar with the Academy's child protection policy and with who the Designated Liaison Person is.
- Parents/Guardians must be informed if there is a concern about their child's welfare, unless this action would put the child or young person at further risk.
- Parents/Guardians must be informed if information about their child has been passed on to the Health Service Executive or the Gardaí, unless doing so is likely to endanger the child.
- Complaints from parents/guardians must be dealt with through a proper complaint's procedure.



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### **23. Missing Children**

Where the Academy has a concern that a particular student may be missing, the Academy will:

- (a) Firstly, contact the child's parents/guardians.
- (b) If the parents cannot be contacted, or cannot confirm the location of the child concerned, the Academy will contact An Garda Siochana and make a missing child report.



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## **24. Intimate Care Procedures**

The Academy recognises that in some circumstances, some of our students may have special needs which necessitate them requiring assistance with tasks of a personal nature. Students with such special needs can be very vulnerable, and all staff involved with their care must be particularly sensitive to their needs. If a student has special needs, their parent/guardian must advise the Academy of those special needs and of any special arrangements which will need to be put in place.

The Academy will then consult with the parents/guardians to put in place a tailored procedure to be followed in circumstances. In particular this tailored procedure should stipulate any communication tools and/or additional resources which should be employed for a student with communication difficulties.

When developing any tailored procedure consultation with the parents/guardians, the Academy will ensure that the best interests of the child are always protected. Key consideration will be given to preserving the student's dignity and privacy.



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## 25. Photographs

From time to time, the Academy may take photographs of its students. This may be at concerts, or other Academy events. The photographs may be used on our website, or in promotional materials e.g., newsletters sent to parents. When taking photographs of our students, the following principles will apply:

- The taking of photographs or making of videos should be adequately supervised (as would any other activity).
- Pupils and their parents/guardians will be informed in advance if and when photographs will be taken, and their written consent sought.
- Pupils and their parent/guardians shall be informed as to how and where photographs will be used. Images should only be used for the purpose(s) agreed.
- Photographs should only be used in the intended context and should not be used or taken out of context.
- In general, individual students will not be identified by name, with the exception being where they are being publicly acknowledged for an exceptional achievement (e.g., an award, performance, achievement) and only where their consent and that of their parent/guardian has been obtained.
- Group photographs are preferable to individual photographs.
- Before taking any photograph, the Academy will ensure all pupils are appropriately dressed.
- Before taking any photograph, the Academy will ensure that images do not contribute to or expose children to embarrassment, distress or upset.
- We affirm our commitment to using photographs that represent the diversity of our students participating in any given activity or setting.
- We confirm that we will not use images of students who are considered vulnerable or whose identity may require protection.
- Where a student or their parent/guardian refuses to consent to the student's photograph being taken that shall not in any way limit student's participation in the Academy's activities.
- Photographs shall not be passed to third parties unless that has been explicitly agreed in writing by the student and their parents/guardians.



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## **26. Complaints Procedure for Parents and Children**

The Academy has a Complaints Procedure in force. For the avoidance of doubt, this relates to complaints relating to issues such as quality of teaching, quality of services, accidents which may occur on Academy grounds etc. It does **not** relate to child protection complaints. Complaints which relate to child protection issues will be dealt with under the Child Protection Reporting Procedures outlined in this Policy, and will not be handled under this Complaints Procedure. Complaints from one member of staff against another member of staff (which do not raise child protection issues) will be dealt with under the Academy's Grievance Procedure or Disciplinary Procedure as appropriate, and will not be dealt with under this Complaints Procedure.

If a parent/guardian or student (having reached the age of 18) makes a verbal complaint to any member of staff, that member of staff is obliged to inform the person that the Academy has a Complaints Procedure in place for resolving complaints, and to direct them to the appropriate section of this Policy for further guidance. Where the complaint is raised by a student under the age of 18, all members of staff should be willing to assist the student to explain how they can make a complaint under this Complaints Procedure.

### **Complaints Procedure:**

#### **Stage 1 – Informal**

1. In the first instance, if a parent/guardian (or student having reached the age of 18) (the “**Complainant**”) wishes to make a complaint against a teacher, they should raise their complaint directly with the teacher.
2. The Teacher should use their best endeavours to resolve the complaint.

#### **Stage 2 – Written Complaint**

3. If the complaint is unresolved, or the Complainant is unhappy with the outcome, then the Complainant is entitled to make a complaint in writing. Only those complaints given in writing and signed by a parent/guardian or student will be investigated by the Academy.
4. Mr Kevin Sutton (Head of Music) will appoint a senior member of staff to investigate the complaint.
5. The appointed senior member of staff shall bring the complaint to the attention of the teacher concerned and seek to resolve the matter between the parties to their mutual satisfaction.
6. Both the teacher and the Complainant shall be informed in writing of the outcome of the resolution process initiated by the appointed senior member of staff within 5 days of receipt of the written complaint outlined at (3) above.





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### **Stage 3 – Management Investigation:**

7. If the complaint has not been resolved at Stage 2, and Complainants wish to pursue the matter further, they should write to the Head of Music outlining their continued objections.
8. Mr Kevin Sutton will consider the matter, and he shall inform the teacher that the investigation is proceeding to the next stage.
9. The teacher will be furnished with a copy of the written letter provided by the parent/guardian (or student).
10. The teacher will be afforded an opportunity to make a presentation to Mr Kevin Sutton, and can be accompanied by one person at that meeting, such person to be an employee of or volunteer with the Academy.
11. Mr Kevin Sutton may arrange a meeting with the complainant if she considers it to be necessary.
12. Mr Kevin Sutton may consult with TUSLA and/or other external agencies for advice as appropriate.
13. Within 10 days of the receipt of the initial letter of complaint referred to at (7) Mr Kevin Sutton and appointed member of staff will hold a meeting to discuss the matter. The teacher and the complainant will be informed of the outcome of the complaint within 5 days of the meeting referred to at (12) above.



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## **27. Overall assessment of this Child Protection Policy**

We consider that the practices outlined above constitute the most suitable course of action where child protection for our music students is concerned. The Academy is committed to following these procedures and ensuring that the best interests of the children and young people in our care remain our highest priority.



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## Appendix A

### What is Child Abuse?

Extract from Children First, Chapter 2

#### **2.2 Definition of “neglect”.**

- 2.2.1 Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.
- 2.2.2 Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is significant is determined by the child's health and development as compared to that which could reasonably be expected of a child of similar age.
- 2.2.3 Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation.
- 2.2.4 The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her wellbeing and/or development are severely affected.

#### **2.3 Emotional Abuse**

- 2.3.1 Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency, and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include:
  - i. the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming.
  - ii. conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions.
  - iii. emotional unavailability of the child's parent/carer.
  - iv. unresponsiveness of parent/carer and/or inconsistent or inappropriate expectations of the child.
  - v. premature imposition of responsibility on the child.
  - vi. unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way.
  - vii. under- or over-protection of the child.



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- viii. failure to show interest in, or provide age-appropriate opportunities for the child's cognitive and emotional development.
- ix. use of unreasonable or over-harsh disciplinary measures.
- x. exposure to domestic violence.
- xi. exposure to inappropriate or abusive material through new technology.

2.3.2 Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective, or physical functioning. Examples of these include insecure attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/carer.

## **2.4 Physical Abuse**

2.4.1 Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power, or trust. There may be single or repeated incidents.

Physical abuse can involve:

- i. severe physical punishment.
- ii. beating, slapping, hitting, or kicking.
- iii. pushing, shaking, or throwing.
- iv. pinching, biting, choking, or hair-pulling.
- v. terrorising with threats.
- vi. observing violence.
- vii. use of excessive force in handling.
- viii. deliberate poisoning.
- ix. suffocation.
- x. fabricated/induced illness (see Appendix 1 of Children First for details).
- xi. allowing or creating a substantial risk of significant harm to a child.



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## **2.5 Definition of "sexual abuse"**

2.5.1 Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. Examples of child sexual abuse include the following:

- i. exposure of the sexual organs or any sexual act intentionally performed in the presence of the child.
- ii. intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification.
- iii. masturbation in the presence of the child or the involvement of the child in an act of masturbation.
- iv. sexual intercourse with the child whether oral, vaginal, or anal.
- v. Sexual exploitation of a child includes inciting, encouraging propositioning, requiring, or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling, or posing for the purpose of sexual arousal, gratification, or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the "grooming" process by perpetrators of abuse.
- vi. Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

2.5.2 It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.



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## Appendix B

### Signs and Symptoms of Child Abuse

Extract from Children First – Appendix 1.

#### 1. Signs and symptoms of neglect

Child neglect is the most common category of abuse. A distinction can be made between 'wilful' neglect and 'circumstantial' neglect. 'Wilful' neglect would generally incorporate a direct and deliberate deprivation by a parent/carer of a child's most basic needs, e.g., withdrawal of food, shelter, warmth, clothing, contact others. 'Circumstantial' neglect more often may be due to stress/inability to cope by parents or carers.

Neglect is closely correlated with low socio-economic factors and corresponding physical deprivations. It is also related to parental incapacity due to learning disability or psychological disturbance.

The neglect of children is 'usually a passive form of abuse involving omission rather than acts of commission' (Skuse and Bentovim, 1994). It comprises 'both a lack of physical caretaking and supervision and a failure to fulfil the developmental needs of the child in terms of cognitive stimulation'.

Child neglect should be suspected in cases of:

- abandonment or desertion.
- children persistently being left alone without adequate care and supervision.
- malnourishment, lacking food, inappropriate food, or erratic feeding.
- lack of warmth.
- lack of adequate clothing.
- inattention to basic hygiene.
- lack of protection and exposure to danger, including moral danger or lack of supervision appropriate to the child's age.
- persistent failure to attend school.
- non-organic failure to thrive, i.e., child not gaining weight due not only to malnutrition but also to emotional deprivation.
- failure to provide adequate care for the child's medical problems and developmental problems.
- exploited, overworked.

#### 2. Characteristics of neglect

Child neglect is the most frequent category of abuse both in Ireland and internationally. In addition to being the most frequently reported type of abuse; neglect is also recognized as being the most harmful. Not only does neglect generally last throughout a childhood it also has long term consequences into adult life. Children are more likely to die from chronic neglect than from one instance of physical abuse. It is well established that severe neglect in infancy has a serious negative impact on brain development.

Neglect is associated with but not necessarily caused by poverty. It is strongly correlated with parental substance misuse, domestic violence and parental mental illness and disability.

**Neglect may be categorised into different types: (adapted from Dubowitz, 1999):**



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- **disorganised/chaotic neglect:** this is typically where parenting is inconsistent and is often found in disorganized and crises prone families. The quality of parenting is inconsistent, with a lack of certainty and routine often resulting in emergencies regarding accommodation, finances, and food. This type of neglect results in attachment disorders, promotes anxiety in children and leads to disruptive and attention seeking behaviour, with older children proving more difficult to control and discipline. The home may be unsafe from accidental harm, with a high incident of accidents occurring.
- **depressed or passive neglect:** this type of neglect fits the common stereotype and is often characterized by bleak and bare accommodation, without material comfort and with poor hygiene and little if any social and psychological stimulation. The household will have few toys, and those that are there may be broken, dirty or inappropriate for age. Young children will spend long periods in cots, playpens, or pushchairs. There is often a lack of food, inadequate bedding, and no clean clothes. There can be a sense of hopelessness, coupled with ambivalence about improving the household situation. In such environments children frequently are absent from school and have poor homework routines, Children subject to these circumstances are at risk of major developmental delay.
- **chronic deprivation:** this is most likely to occur where there is the absence of a key attachment figure. It is most often found in large institutions where infants and children may be physically well cared for but where there is no opportunity to form an attachment with an individual carer. In these situations, children are dealt with by a range of adults, and their needs seen as part of the demands of a group of children. This form of deprivation will also be associated with poor stimulation and can result in serious developmental delays.

The following points illustrate the consequences of different types of neglect for children:

- Inadequate food - failure to develop
- Household hazards – accidents
- Lack of hygiene – health and social problems
- Lack of attention to health – disease
- Inadequate mental health care – suicide or delinquency
- Inadequate emotional care – behaviour and educational
- Inadequate supervision – risk taking behaviour
- Unstable relationship – attachment problems
- Unstable living conditions – behaviour & anxiety, risk of accidents
- Exposure to domestic violence – behaviour, physical and mental health
- Community violence - anti social behaviour

### **Signs and symptoms of emotional neglect and abuse**

Emotional neglect and abuse are found typically in a home lacking in emotional warmth. It is not necessarily associated with physical deprivation. The emotional needs of the children are not met; the parent's relationship to the child may be without empathy and devoid of emotional responsiveness.

Emotional neglect and abuse occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional neglect and abuse are not easy to recognise because the effects are not easily observable. Skuse (1989) states that 'emotional abuse refers to the habitual verbal harassment of a child by disparagement, criticism, threat



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and ridicule, and the inversion of love; whereby verbal and non-verbal means of rejection and withdrawal are substituted'.

Emotional neglect and abuse can be defined with reference to the indices listed below. However, it should be noted that no one indicator is conclusive of emotional abuse. In the case of emotional abuse and neglect, it is more likely to impact negatively on a child where there is a cluster of indices, where these are persistent over time and where there is a lack of other protective factors

- rejection.
- lack of comfort and love.
- lack of attachment.
- lack of proper stimulation (e.g., fun and play).
- lack of continuity of care (e.g., frequent moves).
- serious over-protectiveness.
- inappropriate non-physical punishment (e.g., locking in bedrooms).
- family conflicts and/or violence.
- every child who is abused sexually, physically or neglected is also emotionally abused.
- inappropriate expectations of a child's behaviour, relative to his/her age and stage of development.

Children who are physically and sexually abused and neglected also suffer from emotional abuse.

### **3. Signs and symptoms of physical abuse**

Unsatisfactory explanations or varying explanations, frequency and clustering for the following events are high indices for concern regarding physical abuse:

- bruises (see below for more detail).
- fractures.
- swollen joints.
- burns/scalds (see below for more detail).
- abrasions/lacerations.
- haemorrhages (retinal, subdural).
- damage to body organs.
- poisonings – repeated (prescribed drugs, alcohol).
- failure to thrive.
- coma/unconsciousness.
- death.

There are many different forms of physical abuse, but skin, mouth and bone injuries are the most common.





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## **Bruises**

### **Accidental**

Accidental bruises are common at places on the body where bone is close to the skin. Bruises can also be found towards the front of the body, as the child usually will fall forwards.

Accidental bruises are common on the chin, nose, forehead, elbow, knees, and shins. An accident-prone child can have frequent bruises in these areas. Such bruises will be diffuse, with no definite edges. Any bruising on a child before the age of mobility must be treated with concern.

### **Non-accidental**

Bruises caused by physical abuse are more likely to occur on soft tissues, e.g., cheek, buttocks, lower back, back, thighs, calves, neck, genitalia, and mouth.

Marks from slapping or grabbing may form a distinctive pattern. Slap marks might occur on buttocks/cheeks and the outlining of fingers may be seen on any part of the body. Bruises caused by direct blows with a fist have no definite pattern, but may occur in parts of the body that do not usually receive injuries by accident. A punch over the eye (black eye syndrome) or ear would be of concern. Black eyes cannot be caused by a fall on to a flat surface. Two black eyes require two injuries and must always be suspect. Other distinctive patterns of bruising may be left using straps, belts, sticks and feet. The outline of the object may be left on the child in a bruise on areas such as the back or thighs (areas covered by clothing).

Bruises may be associated with shaking, which can cause serious hidden bleeding and bruising inside the skull. Any bruising around the neck is suspicious since it is very unlikely to be accidentally acquired. Other injuries may feature – ruptured eardrum/fractured skull.

Mouth injury may be a cause of concern, e.g., torn mouth (frenulum) from forced bottle-feeding.

## **Bone injuries**

Children regularly have accidents that result in fractures. However, children's bones are more flexible than those of adults and the children themselves are lighter, so a fracture, particularly of the skull, usually signifies that considerable force has been applied.

### **Non-accidental**

A fracture of any sort should be regarded as suspicious in a child under 8 months of age. A fracture of the Skull must be regarded as particularly suspicious in a child under 3 years.

Either case requires careful investigation as to the circumstances in which the fracture occurred. Swelling in the head or drowsiness may also indicate injury.



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## **Burns**

Children who have accidental burns usually have a hot liquid splashed on them by spilling or have come into contact with a hot object. The history that parents give is usually in keeping with the pattern of injury observed. However, repeated episodes may suggest inadequate care and attention to safety within the house.

### **Non-accidental**

Children who have received non-accidental burns may exhibit a pattern that is not adequately explained by parents. The child may have been immersed in a hot liquid. The burn may show a definite line, unlike the type seen in accidental splashing. The child may also have been held against a hot object, like a radiator or a ring of a cooker, leaving distinctive marks. Cigarette burns may result in multiple small lesions in places on the skin that would not generally be exposed to danger. There may be other skin conditions that can cause similar patterns and expert paediatric advice should be sought.

## **Bites**

Children can get bitten either by animals or humans. Animal bites, e.g., dogs, commonly puncture and tear the skin, and usually the history is definite. Small children can also bite other children.

### **Non-accidental**

It is sometimes hard to differentiate between the bites of adults and children since measurements can be inaccurate. Any suspected adult bite mark must be taken very seriously. Consultant paediatricians may liaise with dental colleagues to identify marks correctly.

## **Poisoning**

Children may commonly take medicines or chemicals that are dangerous and potentially life threatening. Aspects of care and safety within the home need to be considered with each event.

### **Non-accidental**

Non-accidental poisoning can occur and may be difficult to identify, but should be suspected in bizarre or recurrent episodes and when more than one child is involved. Drowsiness or hyperventilation may be a symptom.

## **Shaking violently**

Shaking is a frequent cause of brain damage in very young children.

### **Fabricated/induced illness**

This occurs where parents, usually the mother (according to current research and case experience), fabricate stories of illness about their child or cause physical signs of illness. This can occur where the parent secretly administers dangerous drugs or other poisonous substances to the child or by smothering. The symptoms that alert to the possibility of fabricated/induced illness include:

- (a) symptoms that cannot be explained by any medical tests; symptoms never observed by anyone other than the parent/carer; symptoms reported to occur only at home or when a parent/carer visits a child in hospital.



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- (b) high level of demand for investigation of symptoms without any documented physical signs.
- (c) unexplained problems with medical treatment, such as drips coming out or lines being interfered with; presence of unprescribed medication or poisons in the blood or urine.

## 5. **Signs and Symptoms of Sexual Abuse**

Child sexual abuse often covers a wide spectrum of abusive activities. It rarely involves just a single incident and usually occurs over several years. Child sexual abuse most commonly happens within the family.

Cases of sexual abuse principally come to light through:

- (a) disclosure by the child or his/her siblings or friends.
- (b) the suspicions of an adult.
- (c) physical symptoms.

Colburn Faller (1989) provides a description of the wide spectrum of activities by adults which can constitute child sexual abuse. These include:

### **Non-contact sexual abuse**

- 'Offensive sexual remarks', including statements the offender makes to the child regarding the child's sexual attributes, what he or she would like to do to the child and other sexual comments.
- Obscene phone-calls.
- Independent 'exposure' involving the offender showing the victim his/her private parts and/or masturbating in front of the victim.
- 'Voyeurism' involving instances when the offender observes the victim in a state of undress or in activities that provide the offender with sexual gratification. These may include activities that others do not regard as even remotely sexually stimulating.

### **Sexual contact**

- Involving any touching of the intimate body parts. The offender may fondle or masturbate the victim, and/or get the victim to fondle and/or masturbate them. Fondling can be either outside or inside clothes. It also includes 'frottage', i.e., where offender gains sexual gratification from rubbing his/her genitals against the victim's body or clothing.

### **Oral-genital sexual abuse**

- Involving the offender licking, kissing, sucking, or biting the child's genitals or inducing the child to do the same to them.

### **Interfemoral sexual abuse**

- Sometimes referred to as 'dry sex' or 'vulvar intercourse', involving the offender placing his penis between the child's thighs.



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**Penetrative sexual abuse, of which there are four types:**

- 'Digital penetration', involving putting fingers in the vagina or anus, or both. Usually, the victim is penetrated by the offender, but sometimes the offender gets the child to penetrate them.
- 'Penetration with objects', involving penetration of the vagina, anus or occasionally mouth with an object.
- 'Genital penetration', involving the penis entering the vagina, sometimes partially.
- 'Anal penetration' involving the penis penetrating the anus.

**Sexual exploitation:**

- Involves situations of sexual victimisation where the person who is responsible for the exploitation may not have direct sexual contact with the child. Two types of this abuse are child pornography and child prostitution.
- 'Child pornography' includes still photography, videos, and movies, and, more recently, computer generated pornography.
- 'Child prostitution' for the most part involves children of latency age or in adolescence. However, children as young as 4 and 5 are known to be abused in this way.

The sexual abuses described above may be found in combination with other abuses, such as physical abuse and urination and defecation on the victim. In some cases, physical abuse is an integral part of the sexual abuse: in others, drugs and alcohol may be given to the victim.

It is important to note that physical signs may not be evident in cases of sexual abuse due to the nature of the abuse and/or the fact that the disclosure was made some time after the abuse took place.

Carers and professionals should be alert to the following physical and behavioural signs:

- bleeding from the vagina/anus.
- difficulty/pain in passing urine/faeces.
- an infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease. Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area.
- noticeable and uncharacteristic change of behaviour.
- hints about sexual activity.
- age-inappropriate understanding of sexual behaviour.
- inappropriate seductive behaviour.
- sexually aggressive behaviour with others.
- uncharacteristic sexual play with peers/toys.
- unusual reluctance to join in normal activities that involve undressing, e.g., games/swimming.



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Behavioural signs and emotional problems suggestive of child abuse in **young children (Aged 0-10 years)** include:

- mood change, e.g., child becomes withdrawn, fearful, acting out.
- lack of concentration, especially in an educational setting.
- bed wetting, soiling.
- pains, tummy aches, headaches with no evidence of physical cause.
- skin disorders.
- reluctance to go to bed, nightmares, changes in sleep patterns.
- school refusal.
- separation anxiety.
- loss of appetite, overeating, hiding food.

Behavioural signs and emotional problems suggestive of child abuse in **older children (Aged 10+ years)** include:

- depression, isolation, anger.
- running away.
- drug, alcohol, solvent abuse.
- self-harm.
- suicide attempts.
- missing school or early school leaving.
- eating disorders.

All signs/indicators need careful assessment relative to the child's circumstances.



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**Appendix C**

Standard Report Form

To be used when reporting child protection and welfare concerns to TUSLA Children and Family services



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## Appendix D

### CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT 2012

#### Offences against children for purposes of offence under *section 2*

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.
5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 .
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990 .
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6 (1) of the Criminal Law (Sexual Offences) Act 1993 .
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
13. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998 —
  - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
  - (b) section 4 (allowing child to be used for child pornography).
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008 —
  - (a) section 2 (trafficking, etc., of children),
  - (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
  - (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998 .
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).



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18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997 —

- (a) section 3 (assault causing harm),
- (b) section 4 (causing serious harm),
- (c) section 5 (threats to kill or cause serious harm),
- (d) section 13 (endangerment),
- (e) section 15 (false imprisonment),
- (f) section 16 (abduction of child by parent, etc.),
- (g) section 17 (abduction of child by other persons).

19. An offence under section 246 of the Children Act 2001 (cruelty to children).

20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012 —

- (a) section 2 (offences of female genital mutilation, etc.),
- (b) section 3 (offence of removal from State for purpose of female genital mutilation),
- (c) section 4 (acts, etc., done outside State).

### **Offences against Vulnerable Persons for the purposes of an offence under Section 3**

1. Common law offence of false imprisonment.
2. Rape.
3. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 .
4. Sexual assault.
5. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990 .





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6. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
7. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
8. An offence under either of the following provisions of the Criminal Law (Sexual Offences) Act 1993 —
  - (a) subsection (1) of section 5 insofar as it provides for an offence of having sexual intercourse, or committing an act of buggery, with a person who is mentally impaired within the meaning of that section (other than a person to whom the alleged offender is married or to whom he or she believes with reasonable cause he or she is married), section 2 of the Criminal Law (Rape) (Amendment) Act 1990 .
  - (b) subsection (2) of section 6 insofar as it provides for an offence of soliciting or importuning a person who is mentally impaired within the meaning of that section (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence under section 5(1) (insofar as it is referred to in *paragraph (a)*) of that Act or an offence referred to in section 2 of the Criminal Law (Rape Amendment) Act 1990
9. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified.
10. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008 —
  - (a) section 4 (trafficking of persons other than children),
  - (b) section 5 insofar as it relates to a person in respect of whom an offence under subsection (1) or (3) of section 4 of that Act has been committed (soliciting or importuning for purposes of prostitution of trafficked person),
  - (c) section 7 insofar as it relates to an offence under section 4 of that Act.
11. An offence under section 3 of the Non-Fatal Offences against the Person Act 1997 (assault causing harm).



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### References

Please note that in creating the above child protection policy the following documents were consulted:

- Arts Council: guidelines for the protection and welfare of children and young people in the arts sector. (2006)  
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- Department of Education and Skills: Child Protection Procedures for Primary and Post-Primary Schools 2011  
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[http://www.education.ie/en/Schools-Colleges/Information/Child-Protection/pc\\_procedures\\_primary\\_post\\_primary\\_2011.pdf](http://www.education.ie/en/Schools-Colleges/Information/Child-Protection/pc_procedures_primary_post_primary_2011.pdf)
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