

HEA Child Protection Guidelines

1.1 It is recognised that HEA members of staff have very limited interaction with children in the context of their work. The HEA is however required to develop child protection guidelines, consistent with the Children First National Guidance 2015 for its staff. Please see below for the contexts of and categories of interaction. All information regarding this matter is available at [Children First guidelines](#)

1.2 In this policy;

- 'Abuse' refers to physical, sexual or emotional abuse or neglect;
- 'Bullying' is repeated aggression, whether verbal, psychological or physical, that is conducted by an individual or group against others;
- As per the Child Care Act, 1991, a 'Child' is defined as any person under the age of 18, excluding a person who is or who has been married.
- Age of Consent, it is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.
- Offences as set out in the [Criminal Law \(Sexual Offences\) Act, 2017](#)

The categories of children protected by this policy, include;

- Children with whom staff meet with during HEA and IRC sponsored events, such as Making an Impact
- Children with whom staff come in contact with during events aimed at 2nd level students that the HEA/IRC participates in, such as; the BT Young Scientists, Higher Options Exhibition or Erasmus Buddy Scheme
- Children on work experience placements in the HEA e.g. Transition Year students
- Children at risk of whom members of the HEA, acting in their capacity as HEA employees, become aware
- Children visiting the HEA for any other reason.

1.3 Responsibilities of HEA staff

Designated Liaison Person (DLP)

The Head of Corporate Affairs will be the designated liaison person for the HEA. The role of the DLP is to act as liaison with outside agencies and as a resource to any staff member who has child protection concerns. The DLP shall ensure that he/she is knowledgeable about child protection and undertakes any training considered necessary to keep him/her updated on new developments. The DLP should also make sure that employees are informed of the HEA's Child protection policy.

A Deputy DLP should also be established, to assume the responsibilities of the DLP, where the DLP is unavailable. This person is the HR SEO.

1.4 Dealing with disclosures

Should a member of staff of the HEA become aware of abuse, in the context of their work with the HEA, it should be recognised that an abused child is likely to be under severe emotional stress and a member of staff may be the only adult whom the child is prepared to trust. When information is offered in confidence, the member of staff will need to act with sensitivity in responding to the disclosure. The member of staff will need to reassure the child and endeavour to retain his or her trust, while explaining the need for action which will necessarily involve other adults being informed. It is important to tell the child that everything possible will be done to protect and support him/her, but not to make promises that cannot be kept e.g. promising not to tell anyone else. It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child's disclosure, rather than interviewing the child about details of what happened.

~~While the priority is to establish a rapport with the child, it is also important to ensure that the child is safe and that the disclosure is taken seriously. HEA personnel to whom a child makes a disclosure should be understood that the child has decided to inform someone about something very~~

- b) The child should be understood that the child has decided to inform someone about something very important and has taken a risk to do so;
- c) The child should understand that it is not possible that any information will be kept a secret;
- d) No judgmental statement should be made about the person against whom the allegation is made;
- e) The child should not be questioned unless the nature of what he/she is saying is unclear. Leading questions should be avoided. Open, non-specific questions can be used such as "can you explain to me what you mean by that?"
- f) The child should be given some indication of what would happen next, such as informing their parents/carers, Tusla.ie or possibly An Garda Síochána. It should be kept in mind that the child may have been threatened and may feel vulnerable at this stage.
- g) Record the disclosure immediately afterwards using, as far as possible, the child's own words.
- h) The duty of the recipient of such information is to report it to the DLP.

In accordance with the national guidelines, everyone must be alert to the possibility that children with whom they are in contact may be being abused or neglected. A member of staff who comes across a child who may be the subject of abuse or neglect may find the experience extremely traumatic. They are accordingly strongly encouraged to seek help from the HEA's EAP service 1800 201 346.

Further guidelines are also available on www.Tusla.ie who provide information resources on Children First and relevant guidelines.

1.5 Record Keeping

When child abuse or neglect is suspected, it is essential to have a written records of all of the information available. Following the disclosure, a written account should then be provided to the Designated Liaison Person. Staff unclear of what procedures to follow, should be in contact with the DLP following the disclosure. Further guidelines are available [here](#)

1.6 Action to be taken by the Designated Liaison Person

The designated liaison person is responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the Child and Family Agency Duty Social Worker.

In cases where there are concerns about a child, the DLP shall seek advice from Tusla.ie. In consulting Tusla, the DLP shall be explicit that he/she is requesting advice and consultation rather than making an official report. If Tusla advised that a report should not be made, the DLP shall inform the SMT of this fact. In the interest of protecting the anonymity of the child, no details of the case should be disclosed to the SMT unless there are issues which need to be addressed directly by the SMT. If Tusla advised that a report should be made, the DLP shall act on that advice. In all cases, the DLP shall retain a record of the consultation with Tusla, which will note the date, the name of the Tusla official and the advice given.

Be aware that:

- a) A report should be made to the Tusla.ie either in person, by phone or in writing. Each Tusla.ie area has a social worker on duty for a certain number of hours each day. The Tusla.ie Children and Family Services are available to meet with, or talk on the telephone to, persons wishing to report child protection concerns.
- b) It is generally most helpful if persons wishing to report child abuse concerns make personal contact with Tusla.ie. This will facilitate the duty social worker in gathering as much information as possible about the child and his or her parents/carers.
- c) In the event of an emergency, or the non-availability of Tusla staff, the report shall be made to An Garda Síochána. This may be done at any Garda Station.

The DLP shall immediately, or as soon as possible thereafter, inform the SMT. Any information or details that might identify the child should not be recorded in the minutes of the SMT meeting.

For an overview of the roles and responsibilities of Tusla.ie and An Garda Síochána as well as their protocols, see Chapter 6: Oversight of Child Welfare and Protection

1.7 Allegations or Suspicions of Child Abuse regarding a HEA Employee in the context of their work for the HEA

This is intended to provide guidance where an allegation of abuse or neglect is made against a HEA employee, in the context of their work for the HEA. There are two procedures to be followed;

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

The employee should be treated fairly which includes the right not to be judged in advance of a full and impartial investigation. Legal advice should always be sought in these cases as circumstances can vary from one case to another. At all stages, it should be remembered that the first priority is to ensure that no child is exposed to unnecessary risk. The HEA shall as a matter of

urgency ensure that any necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children.

1.8 Protocol authorising immediate action

Where an allegation of abuse or neglect is made against a HEA employee in the context of their work for the HEA, the DLP shall immediately act.

Once a disclosure is made by a child, a written record of the disclosure shall be made as soon as possible by the person receiving it. The ability of the HEA or the employer to assess suspicions or allegations of abuse or neglect will depend on the amount and quality of information conveyed to them. Where the abuse relates to the DLP, the matter should be reported to the deputy DPP and or a member of the SMT. It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee shall not be disclosed, other than as required under the procedures within this document, until such time as the employee has been offered the opportunity to address and/or be represented to the employer.

When the HEA becomes aware of an allegation of abuse or neglect against an employee, in the context of their work for the HEA, the DPP or Deputy DPP shall arrange to privately inform the employee of the following:

- The fact that an allegation has been made against him/her
- The nature of the allegation
- Whether or not the matter has been report to Tusla.ie

Once the matter has been reported to Tusla.ie, the employee shall be offered the opportunity to respond to the allegation in writing to the employer within a specified period of time.

Where the employer is unsure as to whether the nature of the allegation warrants the absence of the employee from the organization while the matter is being investigated, the employer shall consult with the HEA and/ An Garda Síochana for advice as to the action that those authorities would consider necessary. If, in the opinion of the employer, the nature of the allegation warrants immediate action, the employer shall direct that the employee absent himself/herself from work with immediate effect. The principles of natural justice and fair procedures shall be applied. The employer shall maintain regular and close liaison with Tusla.ie or An Garda Síochána and a decision on the position of the employee shall be taken having due regard to the advice given to the employer by these authorities.

Where the employer has directed an employee to absent himself/herself from work, such an absence would not imply any degree of guilt on the part of the employee.

The HEA will maintain strict confidentiality about all matters relating to these issues. The principles of due process and nature justice shall be adhered to by the employer at all times.

Any information or details that might identify a child should not be recorded in the minutes of Board of Management meetings.

Where an allegation is not referred on to Tusla.ie and/or An Garda Síochána, the HEA will ensure that the reputation and career prospects of the staff member concerned are not adversely affected by reason of the complaint having been brought against him/her. The staff member will be offered counselling and any other support necessary to restore his/her confidence and morale.

1.9 Further follow-up required

The HEA should take care to ensure that actions taken do not undermine or frustrate any assessment/investigation being conducted by Tusla.ie or An Garda Síochána. It is strongly recommended that the employer maintain a close liaison with these authorities to achieve this.

Any further follow up action required shall accord with established disciplinary procedures and shall only be made following consultation with Tusla.ie (and An Garda Síochána if involved.)

After the consultations referred to above have taken place and when dealing with the question of the future position of the employee, the employer shall advise the employee of the situation and shall follow the agreed procedures for the sector.

1.10 Feedback from the Tusla.ie

Tusla.ie should provide feedback to the employer or person-in-charge on the progress of a child abuse investigation involving an employee and of the outcomes of the assessment/ investigation. This will assist the HEA in reaching a decision about the action to be taken in the longer term concerning the employee.

Note:

In relation to Peer Abuse & Bullying – please refer to HEA’s Dignity at Work Policy.

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