



Circular 0081/2017

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community, and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

Publication of new “*Child Protection Procedures for Primary and Post-Primary Schools 2017*”

1. Purpose of this circular

1.1 The main purpose of this circular is to advise school management authorities that following consultations between the Department of Education and Skills, organisations representing school management, parents and teachers, the Department of Children and Youth Affairs and Tusla, the Child and Family Agency, new “Child Protection Procedures for Primary and Post-Primary Schools 2017” (hereinafter referred to as the “procedures”) have been developed and published.

2. General and date effective

2.1 The new procedures take account of the Children First Act, 2015 and the “Children First: National Guidance for the Protection and Welfare of Children” published by the Minister for Children and Youth Affairs in 2017 (hereinafter referred to as “Children First National Guidance 2017”).

2.2 These procedures apply to all recognised primary and post-primary schools and to centres for education (as defined in the Education Act 1998) which are attended by pupils under the age of 18 years.

2.3 It should be noted that the all of the requirements of the new procedures, apart from those relating to the school’s Child Safeguarding Statement which are set out in Chapter 8 of the procedures, **come into effect from 11 December 2017.**

2.4 Schools must meet the new Child Safeguarding Statement requirements as set out in Chapter 8 of the new procedures by 11 March 2018.

2.5 The new procedures are published on the Department's website and can be accessed on the Department's website at www.education.ie

3. Children First Act 2015 and Children First National Guidance 2017

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

3.2 Children First National Guidance 2017 outlines the new statutory obligations that apply to mandated persons such as registered teachers and the new statutory obligations that apply to organisations such as schools under the Act. It also sets out the best practice (non-statutory) obligations which are in place for all individuals (including teachers) and for all sectors of society. The Children First Act, 2015 operates side-by-side with the Children First National Guidance 2017.

4. Purpose of the new procedures

4.1 The new procedures give direction and guidance to schools authorities and to school personnel in relation to meeting their new statutory obligations under the Children First Act, 2015 and in the continued implementation of the best practice (non-statutory) guidance set out in Children First National Guidance 2017.

4.2 The procedures include -

- a) the reporting procedures to be followed by registered teachers in respect of their role as mandated persons, including a requirement to liaise with the Designated Liaison Person (DLP) and, where applicable, to submit mandated reports jointly with the DLP to Tusla
- b) guidance and direction for schools in relation to meeting their statutory obligations in relation to Child Safeguarding Statements. In that regard, the procedures require that all boards of management use the relevant templates published by the Department when preparing, publishing and reviewing their Child Safeguarding Statement.

- c) significantly enhanced oversight measures which are aimed at ensuring full compliance by schools with the Children First Act 2015, Children First National Guidance 2017 and with the Department's requirements as set out in the procedures for schools. The new oversight measures are set out in Chapter 9 of the procedures and include oversight by the board of management of the school's Child Safeguarding requirements and a new Child Protection Oversight Report which must be provided to the board of management, as part of the Principal's report to the board, at every board of management meeting. While the reporting requirements in respect of the Child Protection Oversight Report may appear extensive, it should be noted that the requirement to provide the information specified in this report applies only where cases of a specific type (as set out in sections 9.5 to 9.8 inclusive of the procedures) arise in the school. Where any such case does arise, it is essential that the board of management is provided with the information necessary for it to have oversight of compliance with the relevant reporting requirements, particularly where the matter relates to a school employee.

4.3 The new procedures are structured as follows -

Chapters 1, 2 and 3 provide guidance on the legal framework in relation to child protection, the four main types of abuse and how abuse and neglect can be recognised and the responsibilities for all school personnel, including the DLP.

Chapter 4 outlines the statutory obligations that apply to all registered teachers as mandated persons under the Children First Act, 2015.

Chapter 5 outlines the reporting procedures to be followed by all school personnel.

Chapter 6 outlines the role of Tusla and an Garda Síochána.

Chapter 7 provides guidance and direction to schools in situations where an allegation of abuse is made against a school employee.

Chapter 8 contains information for schools on child safeguarding and outlines their statutory obligations under the Children First Act, 2015.

Chapter 9 contains information on the main oversight measures at school level and outlines the wider oversight context within which schools operate.

5. Next steps

- 5.1 All of the requirements of the new procedures, apart from those relating to the school's Child Safeguarding Statement which are set out in Chapter 8 of the procedures, apply to all school personnel and school authorities with **effect from 11 December 2017**.
- 5.2 All Boards of Management are now required to immediately commence the necessary arrangements for preparation of their Child Safeguarding Statement.
- 5.3 From 11 March 2018 the requirement to have a Child Safeguarding Statement replaces the previous requirement to have a child protection policy which was in place under the previous Child Protection Procedures for Primary and Post Primary Schools (hereinafter referred to as the "old procedures") which were published in 2011.
- 5.4 Under the old procedures, all schools were required to formally adopt and implement without modification, those old procedures as part of their child protection policy. Although the old procedures cease to apply from 11 December 2017, during the transitional period from 11 December 2017 to 10 March 2018 inclusive, as schools are preparing their Child Safeguarding Statements, the existing child protection policies of schools shall continue to apply subject to the following -
- (a) the new procedures, apart from those relating to the school's Child Safeguarding Statement which are set out in Chapter 8, are deemed to replace the old procedures in all existing child protection policies and
 - (b) the new procedures, apart from those relating to the school's Child Safeguarding Statement which are set out in Chapter 8, shall be implemented without modification by all schools
- 5.5 It is the responsibility of each relevant school authority to put in place the necessary arrangements to ensure full compliance with the new "Child Protection Procedures for Primary and Post-Primary Schools 2017".

6. Support for schools

- 6.1 Continuing professional development (CPD) to support schools in the implementation of the new procedures will be made available through the Professional Development Service for Teachers (PDST).

6.2 Schools will be permitted two separate half-day school closures during the 2017/18 school year to allow time, as a school community, to engage with the revised procedures and to access the support available.

6.3 Queries in relation to accessing the CPD supports available to schools should be addressed to the Professional Development Service for Teachers at:

info@pdst.ie

6.4 General queries in relation to child protection CPD should be addressed to the Department's Teacher Education Section at:

TES@education.gov.ie

7. Queries in relation to new procedures

7.1 Any queries relating the 'Child Protection Procedures for Primary and Post-Primary schools 2017' should be raised in the first instance with the Designated Liaison Person or board of management of the school as appropriate.

7.2 General queries in relation to the 'Child Protection Procedures for Primary and Post-Primary schools 2017' should be e-mailed to the Department at:

schoolgovernance@education.gov.ie

8. Dissemination of circular

8.1 A copy of this circular should be provided to members of the board of management and to all school personnel. A copy should also be provided to the parents association. This circular may be accessed on the Department of Education and Skills website at www.education.ie. An Irish version of this circular is also available on the Department's website.

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