



## 1. Purpose

This policy is intended to inform members of the Maynooth University community, who for research, teaching or occupational reasons have contact with children, to be aware of their obligations to recognise child protection and welfare concerns and to respond appropriately. It sets out an overview of the responsibilities of members of the University community in relation to child protection, and supports the use of professional and safe practices when working with children and young people. Full details are outlined in the University's "Child Protection Procedures". The policy is based on "*Children First: National Guidance for the Protection and Welfare of Children (2017)*". For the purposes of this document, the term "member of the University community" includes staff (including occasional staff) and students of the University and those working on a voluntary/unpaid basis on behalf of the University.

This policy (2017) updates and supersedes the NUIM Child Protection Policy (2014) and the NUI Maynooth Child Protection Policy 2012.

## 2. Responsibility and Scope

The President of the University is responsible to the Governing Authority for the implementation of this Child Protection Policy in the University. The President discharges that responsibility through the appointment of Designated Liaison Persons. The Designated Liaison Persons report to the Vice-President Academic/Registrar on all matters arising from the implementation of the Policy. The Policy will be reviewed periodically.

It is the duty of each member of the University to comply with the Policy. Heads of Department (including all heads of academic departments, service departments, and officers of the University) have primary responsibility for ensuring that the Child Protection Policy is implemented within their Department/Office.

In the area of Child Protection, this policy takes precedence over all other University policies.

## 3. Policy Statement

The University;

- recognises that the safety and welfare of children for whom it has responsibility is paramount, and undertakes to maintain the highest possible standards in order to meet its responsibility to protect and safeguard those children;
- recognises that academic, mentoring and other interactions with registered students who are under 18 years of age is on the basis of the normal rules applying to all registered students;
- has adopted appropriate measures, in line with legislative requirements, for the vetting of certain staff and students whose work or study brings them into contact with children (see the University's "Child Protection Procedures (2017)" for details);
- has identified mandated persons within the University and developed appropriate training and procedures to ensure that they meet their legal obligations;
- Recognises that Child Protection is a multiagency, multidisciplinary activity and has adopted procedures to ensure that appropriate reporting and information sharing arrangements are in place, and
- has prepared a Child Safeguarding Statement.

### **This Policy is based on the following principles:**

- A child is a person under 18 (*Child Care Act, 1991*), excluding a person who is or has been married;
- The protection of children must always come first;
- Child abuse can be categorised as neglect, emotional abuse, physical abuse and sexual abuse;
- Children should be protected, treated with respect, listened to and have their own views taken into consideration;

- Members of the University community have a duty to raise concerns about the behaviour of others which may be harmful to children;
- The safest possible practices will be adopted by the University to minimise the possibility of harm or accidents happening to children, and to protect members of the University community from the necessity to take risks which may leave them open to accusations of abuse or neglect (see the University's "Child Protection Procedures (2017)" for guidance for staff and students);
- Members of the University community who work with children must maintain a policy of openness (subject to confidentiality guidelines);
- The University will maintain links with Tusla (the Child and Family Agency), and will facilitate the reporting and sharing of information as required.

#### **4. Designated Liaison Persons**

The University has appointed two Designated Liaison Persons to act as a resource to any member of the University community who has child protection queries or concerns. The Designated Liaison Persons liaise with outside agencies as required and are responsible for reporting suspicions or allegations of child abuse to Tusla or/and An Garda Síochána.

#### **5. Mandated Persons**

Mandated persons (in accordance with the provisions of the Children First Act 2015) are people who have contact with children or adults and who, because of their qualifications, training and employment role, are in a key position to help protect children from harm. Mandated persons who are employed by the University, or mandated persons who are providing services to the University, have a statutory obligation to report mandated concerns to Tusla. This obligation is discharged by mandated persons making a joint report with a Designated Liaison Person to Tusla.

#### **6. Mandatory Reporting to State Authorities**

The University is obliged to inform Tusla of any **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for any member of the University community to prove that abuse has occurred to report a concern to Tusla. All that is required is that there are reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. Reporting is done by one of the Designated Liaison Persons (except in the case of mandated persons). Subsequent to, or in parallel with this reporting, internal investigations may be carried out.

Where an allegation is made against a member of staff, the Designated Liaison Person will inform the Director of Human Resources, who will carry out or cause to be carried out an independent investigation in keeping with the principles set out in the Statutes of the University.

Where an allegation is made against a student of the University, the Designated Liaison Person will inform the Vice-President Academic/Registrar who will carry out or cause to be carried out an independent investigation in keeping with the principles set out in the General Rules of the University.

Such investigations by the Director of Human Resources or the Vice-President Academic/Registrar do not impact on the duty to report the allegation of abuse to Tusla or/and An Garda Síochána as appropriate.

#### **7. Actions to be taken by Members of the University community (Staff or Students)**

- Members of the University community must be alert to the possibility that children with whom they are in contact could be victims of abuse.
- **If staff members or students have any concerns, or anyone raises concerns with them, they must contact one of the Designated Liaison Persons immediately to seek advice.**
- In cases of an emergency, where it is believed that a child is at serious and imminent risk, immediate contact should be made in the first instance with the General Services Manager (who will ensure the immediate safety of the child on campus) and who will alert An Garda Síochána. One of the Designated Liaison Persons should be informed, who will immediately inform the Child and Family Agency (TUSLA).

In the absence of the Designated Liaison Persons, these further contacts will be made by the General Services Manager.

- A member of the University community should not interview the child or the child's parents/carer about the alleged abuse, as this is a function of Tusla or An Garda Síochána.

Contact details for all relevant persons are published in the accompanying "Child Protection Procedures (2017)" document, available on the University website.

## **Records**

It is important that any member of the University community reporting suspected child abuse (neglect, emotional abuse, physical abuse or sexual abuse) should accurately record the conversations/observations which establish the basis for their concerns. These observations (which may include dates, times, names, locations, context and any other information which may be relevant) should inform the discussion with the Designated Liaison Person.

## **8. Confidentiality**

Complete confidentiality must never be promised to a child or young person making a disclosure. All information regarding possible or suspected child abuse should be shared only "on a need to know basis", in the interests of the child. The requirement to report to the Designated Liaison Person and to Tusla can be explained in a supportive manner to the child/adult.

Information may be communicated to personnel who have a legitimate involvement or role in dealing with the issue; it is not a breach of confidentiality to give information to those who need to have that information, for the protection of a child (who may have been or has been or is in danger of being abused) to include the Designated Liaison Persons, Tusla or An Garda Síochána.

## **9. Persons Reporting Possible Child Abuse**

There are legislative provisions to protect from civil or criminal liability any member of the University community or Designated Liaison Person who reports suspicions of child abuse reasonably and in good faith to designated officers of Tusla or to An Garda Síochána (*Protections For Persons Reporting Child Abuse Act, 1998*).

This legislation also creates an offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

It is noted that it is an offence to withhold information about a serious offence against a person under 18 years or a vulnerable person [*Criminal Justice (Withholding of information on offences against children and vulnerable persons) Act, 2012*]

## **10. Accompanying Procedures**

The University has published "Child Protection Procedures (2017)" for staff and students to accompany this policy, which includes details of the University's Designated Liaison Persons, Mandated Persons, and guidance for staff and students on reporting Child Protection concerns.