



**Submission on Child Protection
Considerations on Recommendation 4**

Prepared for:

The Department of Education

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February 2023

Table of Contents

1	INTRODUCTION	1
2	GENERAL FEEDBACK & SUGGESTIONS	2
3	SCENARIO-SPECIFIC FEEDBACK & SUGGESTIONS	3
3.1	SCENARIO 1 – THRESHOLD OF HARM HAS NOT BEEN REACHED AND NO REPORT SHOULD BE MADE	3
3.2	SCENARIO 2 – THRESHOLD OF HARM MAY HAVE BEEN REACHED AND A REPORT SHOULD BE MADE	4
3.3	SCENARIO 3 – THE MEMBER OF PERSONNEL SHOULD BE PUT ON ADMINISTRATIVE LEAVE	4
3.4	SCENARIO 4 – MERGE RECOMMENDATION 1 INTO RECOMMENDATION 4	5

1 Introduction

IPPN is the officially-recognised professional body for the leaders of Irish primary schools. It is an independent, not-for-profit voluntary association with a local, regional and national presence. Recognised by the Minister for Education as an official Education Partner, IPPN works with the Department of Education, the National Parents' Council, management bodies, unions, education agencies, academic institutions and children's charities towards the advancement of primary education. IPPN articulates the collective knowledge and professional experience of over 6,000 Principals and Deputy Principals.

This submission captures the feedback and suggestions of the IPPN Leadership Support Team in relation to the review of Child Protection procedures, specifically the considerations on Recommendation 4. Please note that the timescale did not allow for IPPN to engage directly with members on this matter.

2 General Feedback & Suggestions

IPPN suggests the following as general points for consideration:

1. The name of the staff member should be removed from the report to the Board of Management
2. The name of the parent(s)/guardian(s) / community member / staff member making the allegation should be removed from the report to the Board of Management
3. All such incidents should be reported to the Board
4. Names of individuals involved should be retained in a safe location, with access restricted to the Principal and the Chairperson of the Board. These documents should be signed by both the Principal and the Chairperson and available for inspection by the Inspectorate.
5. If the complaint relates to the Principal, then access will be restricted to the Deputy Principal and the Chairperson of the Board.

The above is a protection to both the staff member and the complainant. Reports with all individuals named are available should there ever be a need for further or follow-up investigation. It also offers some protection to staff members and boards against staff and others who may use the procedures as a means to undermine or intimidate teachers, SNAs, school leaders or other members of staff.

The IPPN Leadership Support Team is aware of instances of these procedures being misused in certain circumstances. We would like to ensure that vexatious allegations are avoided or identified, as far as possible, while of course ensuring that children are fully protected.

3 Scenario-specific Feedback & Suggestions

3.1 Scenario 1 – Threshold of harm has not been reached and no report should be made

The function of the Board is oversight and not investigative. In this scenario the opinion of the DLP and Tusla is that a threshold of harm has not been reached and no report should be made. Where a threshold has been deemed not to have been reached, the employee does not need to be identified, as vexatious allegations can be made.

Where a second allegation is made, and Tusla again determine that the threshold has not been met, the Board of Management (BoM) would need full training in order to make any further determinations, given the serious implications for all parties.

Training has been provided to BoMs, however only some members have availed of it. One consideration is to make such training mandatory for all BoM members and to exclude those who have not participated in this training from being part of any child protection determination. Trained facilitators could provide training in a local area.

Re Anonymising and using unique identifiers

Pros:

1. The need to identify the staff member by name in these circumstances is not clear. No child protection report was made, consequently anonymising information with a unique identifier seems reasonable
2. Child protection is a highly sensitive area. Ensuring confidentiality around information that could impact negatively on a person's reputation is enhanced by anonymising, as this reduces the risk of board members inadvertently breaching confidentiality.
3. Linking a staff member by name to a child protection allegation, where no report was made, could potentially prejudice board members should any other issue arise with that individual in the future
4. The Board has vicarious liability in relation to the conduct of its employees. An argument could be made that the Board should be informed of any allegation against an employee. However, in this scenario the allegation did not meet the 'threshold of harm' for child protection. Had it met the threshold of harm, and been reported, any school disciplinary procedures would be put on hold. The fact that it does not meet the threshold of harm could in fact mean that disciplinary procedures might now apply, depending on the nature of the allegation. Bringing 'a comprehensive report on the facts of the case' comes under stage 4 of the disciplinary procedures. Using a unique identifier and anonymising details protects the integrity of those procedures.

Cons:

- Regarding second or third allegations not meeting the threshold but 'indicative of a pattern of behaviour', it would be important to have clarity on what procedures should apply. In circumstances where 'there is a pattern of inappropriate conduct', which does not reach the threshold of harm for child protection, it might be better to use disciplinary procedures. Unique identifiers could still apply but there would be a separate disciplinary process.

- In small schools with few staff, redacting information places an additional burden on the DLP with little benefit to the individual staff member who was the subject of the allegation.
- The protection of children takes priority over all other concerns – any changes being brought in to protect employees could be portrayed as diluting this objective. This could be addressed by more robust responses to malicious/vexatious allegations and better training for Boards.

3.2 Scenario 2 – Threshold of harm may have been reached and a report should be made

Can they fulfil their role in respect of the Child protection matter [student focused] by delegating to the DLP/Principal – IPPN has some concerns about this proposal. The employer is responsible. Responsibility cannot be delegated and it could place the DLP (principal) in an invidious position. Where a report has been made, the employer needs to know and take responsibility. Training for handling such scenarios is essential and should be supported by management bodies.

Can they fulfil their role as employer by delegating the employer role to the Principal / Chairperson of BoM - As above.

Do they need to know the name of the employee – As a report has been made, the employer would need to know the name of the employee in this instance. As already stated, it is essential that Boards have access to appropriate training and advice in managing such a scenario.

The phrase 'may have been reached' is unclear and difficult to challenge, which is serious given the implications for both the employee and child. If legal advice determines that the employee should not be put on administrative leave, then the person should not be identified to the BoM by name. In this case, the Principal should be able to verify that all procedures were correctly followed, including reporting.

Any breach of confidentiality could have serious implications for the subject of the allegation, the child, the parents and the school. The delegation of the role to the Chairperson is worth considering as the Principal continues to deal with both parties to the allegation on a daily basis.

3.3 Scenario 3 – The member of personnel should be put on administrative leave

No reason to change the procedures here.

3.4 Scenario 4 – Merge Recommendation 1 into Recommendation 4

This proposal has merit. There would be benefit from having a trained designated member of the Board having a role in Child Protection to assist the DLP / DDLP and confirm for the Board that procedures have been / are being followed.

Given that the current procedures have clearly defined roles, adding a new person / role could in some contexts create confusion around where responsibility lies.