



*Procedures for Dealing with  
Allegations or Suspicions of  
Child Abuse*

*Nós Imeachta chun Déileáil le  
Líomhaintí nó le hAmhras Faoi  
Mhí-Úsáid Pháistí*

**Roinn  
Oideachais**

**Department of  
Education**

**Novembēr 1991**



***Procedures for Dealing with  
Allegations or Suspicions of  
Child Abuse***

***Nós Imeachta chun Déileáil le  
Líomhaintí nó le hAmhras Faoi  
Mhí-Úsáid Pháistí***



**TO THE MANAGEMENT AUTHORITIES AND PRINCIPAL  
TEACHERS OF NATIONAL SCHOOLS**

**Procedures for Dealing with Allegations or Suspicions of Child  
Abuse**

1. INTRODUCTION

The Minister for Education wishes to refer to the question of alleged instances of child abuse and the procedures which should be followed by national school authorities where it is suspected or alleged that such abuse may have occurred.

2. Following discussions between the Department of Education and the organisations representing school management, parents and teachers, the guidelines contained in this document have been drawn up. The document contains procedures which are intended to assist school management authorities and teachers in handling disclosures from children, by detailing the steps to be taken when dealing with such matters.

The Minister urges school authorities and teachers to adhere to the guidelines in dealing with allegations or suspicions of child abuse. The guidelines are not, of course, statutory in nature and in the event of Court proceedings arising, each case would fall to be judged on its own merits.

3. HOW TO RECOGNISE POSSIBLE SIGNS OF ABUSE

Copies of the Checklist provided by the Department of Health to help identification and investigation of Child Abuse, both physical and sexual, are enclosed. It is important that these should be read in association with the Department of Health "Child Abuse Guidelines". No one indicator should be seen as conclusive in itself but must be seen in the context of a constellation of factors and consideration of the particular family and/or situation.

## **CHUIG ÚDARÁIS BHAINISTÍOCHTA AGUS PRÍOMHOIDÍ SCOILEANNA NÁISIÚNTA**

### **Nós Imeachta Chun Déileáil le Líomhaintí nó le hAmhras faoi Mhí- Úsáid Pháistí**

#### **1. RÉAMHRÁ**

Is mian leis an Aire tagairt do chásanna líomhnaithe mhí-úsáid pháistí agus don nós imeachta is inleanta ag údaráis scoileanna náisiúnta áit a bhfuil líomhain nó amhras gur tharla a leithéid de mhí-úsáid.

2. Dréachtadh na treoirlínte sa doiciméad seo tar éis plé idir an Roinn Oideachais agus na heagrais ionadaíocha do bhainistíocht scoileanna, do thuismitheoirí agus do mhúinteoirí. Tá nós imeachta sa doiciméad a bhfuil sé d'aidhm leis cuidiú le húdaráis bhainistíochta scoileanna agus le hoidí agus iad ag déileáil lena nochtann páistí dóibh faoin ábhar seo. Tá na céimeanna atá le leanacht ag déileáil leis na gnóthaí seo leagtha amach go mion sa doiciméad seo.

Is mian leis an Aire a thathaint ar údaráis scoileanna agus ar oidí cloí leis na treoirlínte agus iad ag déileáil le líomhaintí nó amhras faoi mhí-úsáid pháistí. Ní treoirlínte statúideacha iad seo dar ndóigh, agus sa chás go rachadh an scéal chun cúirte thabharfaí breith ar gach cás de bhun tuillteanais.

#### **3. CONAS COMHARThAÍ MÍ-USÁIDE PHÁISTÍ A AITHINT**

Tá cóipeanna den Seicliosta a sholáthraíonn an Roinn Sláinte mar chabhair in aithint agus i bhfiosrú mhí-úsáid pháistí, idir fhísiciúil agus ghnéasach, comhiata. Is den tábhacht é go léifí iad seo i gcomhar leis an doiciméad "Treoirlínte um Mhí-úsáid Pháistí" leis an Roinn Sláinte. Níor cheart go gceapfaí aon chomhartha amháin a bheith cinntitheach ann féin ach is cóir breathnú air i gcomhthéacs cnuasach fachtóirí agus ag cur coinniollacha an teaghlaigh/nó an cháis áirithe sin san áireamh.

#### 4. REPORTING PROCEDURES

- 4.1 (a) If a teacher receives an allegation or has a suspicion that a child is being abused the teacher should, in the first instance, report the matter to another teacher, normally the principal.
- (b) If the teachers are satisfied that there are reasonable grounds for the suspicion or allegation they should advise the Chairperson of the Board of Management. If the Chairperson is not available at that time they should proceed as at (C) and advise the Chairperson afterwards.
- (c) The Chairperson of the Board, together with the teacher should report the matter to the local Director of Community Care/Medical Officer of Health (DCC/MOH). Addresses and phone numbers of the various regional officers are enclosed for this purpose. It is essential that at all times the matter be treated in the strictest confidence and not discussed except among the parties mentioned above. (see par. 7).

N.B. It is not the responsibility of school staff to make enquiries of parents or guardians, and in some cases it could be counter-productive for them to do so. It is for the DCC/MOH to investigate suspected abuse and determine what action to take, including notifying parents and/or Gardai.

- 4.2 If a teacher receives an allegation or has a suspicion that a child is being abused by a pupil of the school, the procedures outlined above should apply.

Where physical abuse by a pupil is suspected, the matter should be dealt with initially under the terms of Rules 121 and 130 of the Rules for National Schools.

- 4.3.1 If a teacher receives an allegation or has a suspicion that a pupil is being abused by an employee of the school he/she should in the first instance report the matter to another teacher — normally the principal — and the Chairperson of the Board of Management.

- 4.3.2 The Chairperson should inform the employee concerned of the suspicion or the allegation which has been made. If it appears to the Chairperson that there are reasonable grounds for the

#### 4. NÓS IMEACHTA TUAIRISCEOIREACHTA

- 4.1 (a) Má fhaigheann oide liomhain nó má bhíonn amhras air/uirthi go bhfuil mí-úsáid á himirt ar pháiste, ba cheart don oide, ar an gcéad dul síos, tuairisc a thabhairt ar an ábhar d'oide eile, an príomhoide de ghnáth.
- (b) Má bhíonn na hoidí sásta go bhfuil bonn réasúnta leis an amhras nó leis an liomhain ba chóir dóibh Cathaoirleach an Bhoird Bhainistíochta a chur ar an eolas. Mura mbíonn teacht ar an gCathaoirleach ag an am ba chóir dóibh déanamh mar a mholtar ag (c) agus an Cathaoirleach a chur ar an eolas níos déanaí.
- (c) Ba cheart do Chathaoirleach an Bhoird agus don oide le chéile an gnó a chur faoi bhráid Stiúrthóir an Chúraim Phobail/Oifigeach Leighis Sláinte (SCP/OLS) san áit. Tá seoltaí agus uimhreacha gutháin na n-oifigeach réigiúnach éagsúil comhiata chun na críche seo. Is den riachtanas é go gcoinneofaí an gnó faoi rún go daingean agus nach bpléifí í ach amháin i measc na bpáirtithe atá luaite thuas (féach alt 7).

N.B. Nil sé d'fhreagracht ar fhoireann scoile fiosruithe a dhéanamh ar thuismitheoirí ná ar chaomhnóirí agus i gcásanna áirithe ní thiocfadh ach aimhleas mar thoradh ar a leithéid a dhéanamh. Is gnó don SCP/OLS féachaint isteach i gcásanna ina bhfuil amhras faoi mhí-úsáid agus cinneadh ar ghníomh ina leith ar a n-áirítear teagmháil a dhéanamh le thuismitheoirí agus/nó le Gardaí.

- 4.2 Má fhaigheann oide liomhain nó má tá amhras air/uirthi go bhfuil páiste ag fulaingt mí-úsáide ó dhalta de chuid na scoile ba cheart déanamh de réir na dtreoirínte thuas.

Má táthar in amhras go bhfuil mí-úsáid fhisiciúil á himirt ag dalta ba cheart déileáil leis an ngnó faoi théarmaí Rialacha 121 agus 130 do Scoileanna Náisiúnta i dtús báire.

- 4.3.1 Má fhaigheann oide liomhain nó má tá amhras air/uirthi go bhfuil fostaí de chuid na scoile ag imirt mí-úsáide ar dhalta ba chóir dó/di tuairisc ar an ábhar a thabhairt d'oide eile — an príomhoide de ghnáth — agus do Chathaoirleach an Bhoird Bhainistíochta.

- 4.3.2 Ba chóir don Chathaoirleach scéala a thabhairt don fhostaí

suspicion or allegation he/she should afford the employee concerned an opportunity to respond and should report the matter to the DCC/MOH, including the employee's response if the employee so desires.

- 4.4 If a teacher receives a further allegation or has a suspicion that a child is continuing to be subjected to abuse after dealing with the original allegation or suspicion, further contacts should be made with the DCC/MOH office in accordance with the procedures outlined at 4.1 (c) above.

## 5. INFORMATION REQUIRED BY DCC/MOH

When child abuse is suspected, it will be essential to have a record of all the information available. Staff should note carefully what they have observed and when they observed it. Signs of physical injury should be described in detail, or sketched. Any comment by the child concerned, or by an adult who might be the abuser, about how an injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. It is possible that a teacher may subsequently be invited to attend a case conference by the DCC/MOH.

## 6. HANDLING DISCLOSURES FROM CHILDREN

An abused child is likely to be under severe emotional stress and a staff member may be the only adult whom the child is prepared to trust. When information is offered in confidence, the member of staff will need tact and sensitivity in responding to the disclosure. The member of staff will need to reassure the child, and retain his or her trust, while explaining the need for action and the possible consequences which will necessarily involve other adults being involved. 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.

## 7. CONFIDENTIALITY

There is an absolute need to maintain confidentiality in dealing with any alleged instance of child abuse. The communication of information must be confined to those who have an obligation to receive it and third parties should not be privy to allegations unless it is necessary to involve them as matters unfold.



faoin liomhain nó faoin amhras a cuireadh in iúl. Má fheictear don Chathaoirleach go bhfuil bonn réasúnta leis an amhras nó leis an liomhain ba chóir dó/dí deis a thabhairt don fhostaí freagra a thabhairt agus tuairisc ar an ábhar a thabhairt don SCP/OLS agus freagra an fhostaí a bheith mar chuid di más é sin mian an fhostaí.

4.4 Má fhaigheann an t-oidé liomhain eile nó má bhíonn amhras air/uirthi go bhfuil mí-úsáid á himirt fós ar pháiste tar eis déileáil leis an gcéad liomhain ba chóir tuilleadh teagmhála a dhéanamh le hoifig an SCP/OLS de réir an nóis imeachta atá leagtha amach ag 4.1(c) thuas.

## 5. FAISNÉIS A BHEIDH AG TEASTÁIL ÓN SCP/OLS

Sa chás go mbíonn amhras faoi mhí-úsáid pháistí beidh sé ríthábhachtach go mbeidh taifead de gach faisnéis ar fáil. Ba chóir d'fhoireann scoile nóta cúramach a choimeád ar a mbíonn tugtha faoi deara acu agus cathain a thug siad faoi deara é. Ba chóir mionchur síos a dhéanamh ar chomharthaí dochair choirp nó líníocht a dhéanamh díobh. Ba cheart nóta a dhéanamh d'aon chuntas mínithe a thugann an páiste atá i gceist, nó duine fásta ab fhéidir gur imir sé míl-úsáid ar an bpáiste, faoin gcaoi ar tharla an dochar. Ba chóir é a dhéanamh chomh luath agus is féidir tar éis go dtugtar an cuntas agus b'fhéarr na focail áirithe a úsáideadh a nótaíl. Thárlódh go n-iarraidh an SCP/OLS ar oide freastal ar chomhdháil chásbhreithnithe níos déanaí.

## 6. AN CHAOI LE DÉILEÁIL LENA NOCHTANN PÁISTÍ

Is intuigthe go mbeadh páiste ar imríodh mí-úsáid air/uirthi faoi mhóstrus mothúcháin agus tharlódh gur ball foirne an t-aon duine fásta ina gcuirfeadh sé/si iontaoibh. Nuair a chuirfeadh faisnéis ar fáil faoi rún beidh gá le fios labhartha agus mothálacht ag an mball foirne ag freagairt don eolas a scaoiltear. Beidh ar an mball foirne an leanbh ar chur ar a s(h)uaimhneas agus a (h)iontaoibh a choinneáil agus é/í ag miniú don pháiste a thábhachtaí atá sé gníomhú sa chás agus na torthaí a d'fhéadfadh a bheith ar an gníomh, go gcaithfí daoine fásta eile a thabhairt isteach sa scéal. Is den tábhacht é a insint don pháiste go ndéanfar gach ní is féidir chun fortacht agus tacaíocht a thabhairt dó/dí, ach gan geallúintí do chomhlíonta a thabhairt e.g. ag geallúint gan an scéal a insint d'éinne eile.

## 8. THE LEGAL POSITION

- (a) Should a Chairperson of a Board of Management or a teacher make a complaint or furnish information with regard to suspicions of child abuse to the appropriate authorities, such communication would be privileged. The person making such a report, acting in loco parentis, would be expected to act in the child's best interests and the Minister has been advised that the reporting of suspicions regarding child abuse would be regarded as such. Privilege can be displaced only where it can be established that the person making the complaint acted maliciously.
  - (b) Those reporting a child's disclosure are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing a charge but merely passing on a report.
  - (c) It is not considered likely that parties reporting suspicions of child abuse under these guidelines would be required to attend Court in the event of prosecutions in such cases. (However, if a teacher is subpoenaed to appear in Court, leave-of-absence with pay is allowed for as long as is necessary. If it is necessary to employ a substitute, this must be done at the school's expense and the cost may be claimed afterwards from the Department of Justice).
  - (d) When the Chairperson of the Board of Management acts in accordance with the provisions of paragraph 4.3.2 of these guidelines, it is not essential to caution the individual or have a witness present, as no charge is being brought at that stage; the Chairperson is merely informing the individual and passing on the report to the relevant authority, who will investigate and decide whether it should be reported to the Gardai.
9. It should however be noted that, if there is indisputable evidence that an individual has abused a child, the matter must be reported directly to the Gardai.
10. The three fundamental principles which underpin the Guidelines are that confidentiality, discretion and sensitivity should be maintained at all times.

## 7. RÚNDACHT

Is den fhíor-riachtanas é rúndacht a choinneáil agus aon chás liomhnaithe de mhí-úsáid pháiste á phlé. Is do dhaoine a bhfuil dualgas orthu an t-eolas a fháil agus doibh sin amháin is ceart eolas a thabhairt agus ní ceart treaspháirtithe bheith inpháirteach i liomhainí murar den riachtanas iad a thabhairt isteach sa scéal de réir mar a leanann an cás ar aghaidh.

## 8. AN STAID Ó THAOBH AN DLÍ

- (a) Sa chás go ndéanfadh Cathaoirleach Boird Bhainistíochta nó oide gearán nó faisnéis a sholáthar i dtaca le hamhras mí-úsáid pháistí bheith ar siúl leis na húdaráis chuí, bheadh an tuairisc sin faoi phribhléid. An té a thabharfadh an tuairisc sin, ag gníomhú dó/di in loco parentis, bheifí ag súil gur chun leasa an pháiste sin a bheadh sé/sí ag gníomhú agus tá comhairle faighte ag an Aire go mbreathnófaí mar sin ar aon tuairisc maidir le hamhras faoi mí-úsáid pháistí. Ní féidir an phribhléid a chur i leataobh ach sa chás gur féidir a bhunú gur ghníomhaigh an gearánaí go mailiseach.
- (b) Daoine a dhéanann tuairisc ar a nochtann páiste ní áirítear iad a bheith ag déanamh liomhaine mar chúisiú, ach ag comhlíonadh a ndualgais le hintinn mhaith. Ní ag cur rud i leith duine ná á c(h)úisiú atá siad ach amháin ag cur tuairisce ar aghaidh.
- (c) Ní dócha go n-éileofaí ar dhaoine a sholáthraíonn tuairisc maidir le amhras faoi mí-úsáid pháistí de réir na dtreoirlínte seo freastal ar chúirt sa chás go ndéanfaí daoine a chúisiú. (Sa chás go ndéantar subpoena ar oide freastal ar an gCúirt áfach, ceadáítear dó/di bheith as láthair ón scoil ar tuarastal chomh fada agus is riachtanach. Más gá ionadaí a fhostú caithfidh an scoil an costas a sheasamh agus féadtar aisíoc a éileamh ón Roinn Dlí agus Cirt níos déanaí).
- (d) Nuair a ghníomhaíonn Cathaoirleach an Bhoird Bhainistíochta faoi fhorálacha alt 4.3.2 de na treoirlínte seo ní den riachtanas é rabhadh a thabhairt don duine ná finné a chur ar fáil mar níl cúisiú á dhéanamh ag an bpointe sin; níl an Cathaoirleach ach ag cur an duine ar

11. Included with the agreed document are a copy of the pamphlet "Child Abuse Checklist" and booklet "Child Abuse Guidelines", both of which have been produced by the Department of Health.

**Noel Lindsay**  
**Secretary**

*November, 1991.*

an eolas agus ag cur na tuairisce faoi bhráid an údaráis chuí, a dhéanfaidh an cás a iniúchadh agus a chinnefidh an cóir é a chur in iúl do na Gardaí.

9. Tugtar faoi deara ámh, má tá fianaise dhoshéanta go bhfuil duine tar éis mí-úsáid a imirt ar pháiste go gcaithfear an gnó a chur faoi bhráid na nGardaí láithreach.
10. Is iad na trí phrionsabal bhunúsacha atá mar bhonn ag na Treoirí ná go gcoinneofaí an rúndacht, an discríd agus an mhothálacht i gcónaí.
11. Tá cóip den phaimfléad “Child Abuse Checklist” agus den leabhrán “Child Abuse Guidelines”, ar chuir an Roinn Sláinte iad araon amach, comhiata leis an doiciméad aontaithe seo.

**N. Ó Loingseacháin**  
**RÚNAÍ**

*Samhain, 1991.*