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Foreword by the Minister

I am very pleased to formally publish, in accordance with section 27 of the Children First Act, 2015, this Sectoral Implementation Plan for the Department of Education and Skills.

This Plan sets out how my Department and relevant bodies within the education sector will ensure their compliance with the Children First Act 2015 and with their best practice obligations as set out in *Children First: National Guidance for the Protection and Welfare of Children 2017*.

I know that there is already a very strong culture of child protection within our schools and within the wider education sector. However, we must keep a continued focus on child protection to ensure as far as possible that children are safe across all areas of our education system. To that end, we must continue to monitor, review and improve arrangements wherever possible.

I am pleased that extensive arrangements are in place to ensure that the education sector meets its obligations under both the Children First Act 2015 and *Children First: National Guidance for the Protection and Welfare of Children 2017*, and that, importantly, these arrangements will be subject to ongoing monitoring and review.

My Department and I are committed to ensuring that the protection and welfare of children continues to be of paramount importance.

Joe McHugh, TD
Minister for Education and Skills
1. Background

1.1 This Children First Sectoral Implementation Plan has been prepared and published in accordance with the Children First Act 2015.

1.2 This Sectoral Implementation Plan outlines the programme of measures taken, or proposed to be taken, to ensure compliance with the Children First Act 2015 and with the Children First: National Guidance for the Protection and Welfare of Children [2017] by –

- the Department itself and
- any body that provides a relevant service and receives funding from the Department in that regard.

1.3 This Sectoral Implementation Plan contains information on the following:

- the relevant services provided by or on behalf of the Department;
- the measures taken or proposed to be taken to promote, review and report on compliance under the legislation and guidance;
- the monitoring and review procedures in relation to the Sectoral Implementation Plan.

1.4 Copies of this Sectoral Implementation Plan must, in accordance with Section 27(4) of the Act, be laid before each House of the Oireachtas.
2. Relevant Services

2.1 The Department of Education and Skills (DES) has responsibility for the development of education and training policy to facilitate individuals through learning, to achieve their full potential and contribute to Ireland’s social, cultural and economic development. The Department employs approximately 1400 officers comprising administrative (general service) grades, professional and technical staff (inspectors, psychologists, architectural and engineering staff in the Planning and Building Unit) and other grades (service officers, cleaners, telephonists). In addition, the Department employs a significant number of temporary staff to meet staffing needs at times of particularly high activity across the Department.

2.2 Relevant services provided by DES

Within the Department itself, direct interaction with children by DES staff is limited but there are a number of discrete functional areas that undertake work that may fall within the meaning of “relevant services” in Schedule 1 to the Act. These are set out in the table below along with the measures taken or proposed to be taken by the Department to promote, review and report on compliance with the Children First Act 2015 and with the Children First: National Guidance for the Protection and Welfare of Children [2017].

<table>
<thead>
<tr>
<th>Relevant Services</th>
<th>Measures taken or proposed</th>
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<tbody>
<tr>
<td>• The National Educational Psychological Service (NEPS) provides an educational</td>
<td>The Department’s Child Safeguarding Statement (CSS) sets out the range of child protection related measures in place in respect of relevant services it provides. The Department’s CSS is attached as an appendix to this Plan.</td>
</tr>
<tr>
<td>psychological service to all schools. NEPS psychologists work in both primary</td>
<td>All staff of the Department are required to adhere to the Department’s Procedures for Responding to Child Protection Concerns brought to the attention of Staff employed by the Department of Education and Skills.</td>
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<tr>
<td>and post-primary schools. Each NEPS psychologist offers a range of services</td>
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<td>aimed at meeting learners’ needs including through direct casework with</td>
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<td>individual students (e.g. consultation and assessment work carried out on a</td>
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<td>1:1 basis).</td>
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<tr>
<td>• The Inspectorate is responsible for the inspection and evaluation of primary</td>
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<td>and post-primary schools and centres for education in addition to undertaking</td>
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<tr>
<td>Early Years Education-focused Inspections.</td>
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<td>• Employment by the Department of staff under the age of 18 years, including</td>
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<td>temporary clerical officers (TCO’s), and the periodic provision by the</td>
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<tr>
<td>Department of work experience placements to Transition Year (TY) students</td>
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<tr>
<td>who are usually under 18 years of age.</td>
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<tr>
<td>• Visits to schools by DES staff to examine school building works and</td>
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<td>occasional consultation with teachers/pupils in relation to the works</td>
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<tr>
<td>undertaken.</td>
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</tbody>
</table>
2.3 Bodies that provide “relevant services” and which receive funding from the Department

The following section provides an outline by education sector of bodies that provide “relevant services” and which receive funding from the Department in that regard. It also sets out the measures taken or proposed to be taken to promote, review and report on compliance with the Children First Act 2015 and with the Children First: National Guidance for the Protection and Welfare of Children [2017]

A. Early Childhood Sector

<table>
<thead>
<tr>
<th>Relevant Services</th>
<th>Measures taken or proposed</th>
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</thead>
<tbody>
<tr>
<td>While early childhood education and care services in Ireland are generally delivered outside of the formal education system, the following services are funded by the Department of Education and Skills -</td>
<td>As these DES funded services operate within schools, all of the measures set out at B apply also to these settings.</td>
</tr>
<tr>
<td>• The Early Start Programme, a pre-primary initiative in designated areas of urban disadvantage, for children who are most at risk of not succeeding in education. All 40 Early Start centres funded by the Department of Education and Skills are located in primary schools.</td>
<td></td>
</tr>
<tr>
<td>• The Rutland Street Project, a pre-primary programme in a Dublin inner city community which is co-located with a primary school and has its own roll number.</td>
<td></td>
</tr>
</tbody>
</table>
### B. Primary and Post-Primary Sectors

<table>
<thead>
<tr>
<th>Relevant Services</th>
<th>Measures taken or proposed</th>
</tr>
</thead>
</table>
| The Department provides grant aid and allocates staffing resources to recognised primary and post-primary schools. | Updated Child Protection Procedures for Primary and Post-Primary schools were published on 11 December 2017. They include:

  a) the reporting procedures to be followed by registered teachers in respect of their role as mandated persons,

  b) guidance and direction for schools in relation to meeting their statutory obligations in relation to Child Safeguarding Statements, and

  c) significantly enhanced oversight measures at school and Department level.

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

The Department’s Inspectorate monitors the compliance of schools with the requirements of the child protection procedures for primary and post-primary schools. All inspections include some checks regarding child protection. A Child Protection and Safeguarding Inspection model has become operational from 1 February 2019.

A Child Protection Oversight Group which is comprised of members of the Inspectorate, the National Educational Psychological Service (NEPS) and officials from the Department’s Schools Division has been established. Its primary purpose is to coordinate the Department’s actions in cases where there are serious concerns regarding the compliance of a school with the requirements of the procedures.

Agreement is in place to hold periodic meetings at senior official level with Tusla to identify and address any issues of concern regarding implementation of Children First.

The Department has put in place a single point of contact whereby Tusla at national level can, having gone through an appropriate internal escalation process, bring to the attention of the Department any specific concerns Tusla may have regarding an individual school’s compliance with child protection requirements.

The Department is represented on the Children First Inter-Departmental Implementation Group chaired by the Department of Children and Youth Affairs.
## Higher and Further Education Sectors

### Relevant Services

The Department provides funding to the Higher Education Authority (HEA) for direct allocation to HEA-designated higher education institutions. The higher education institutions, rather than the HEA, provide ‘relevant services’ as defined in Schedule 1 of the Children First Act 2015.

The Department also allocates funding directly to a number of non HEA-designated higher education institutions who may also provide ‘relevant services’ as defined in Schedule 1 of the Children First Act 2015.

The Further Education and Training (FET) sector covers education and training which occurs after second level schooling (or post senior-cycle) and is not part of the third level system. There are a number of providers of further education and training; and a wide variety of schools, organisations and institutions are involved in the delivery of continuing education and training for young school leavers and adults. The FET sector is largely funded by An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS), the Further Education and Training Authority, established in October 2013. The main providers of further education and training are the 16 Education and Training Boards (ETBs), established in 2013.

### Measures taken or proposed

The HEA requires institutions under its remit to confirm in their annual governance statements that a child protection policy is in place. The Department has requested the HEA to revise the wording of the annual governance statement to state that child protection policies are consistent with the provisions of the Children First legislation. The Department has also requested the HEA to provide it with annual assurances that all HEA-designated higher education institutions are compliant with this requirement.

The Department requested the non HEA-designated higher education institutions to provide the necessary assurances that up-to-date child protection policies are in place which are consistent with the provisions of the Children First legislation. These assurances have been received. The Department will request such assurances on an annual basis.

Chief Executives of all ETBs were notified in December 2017 of the commencement of the Children First Act 2015, the new national guidelines, and the publication by the Department of the updated *Child Protection Procedures for Primary and Post Primary Schools* (these procedures apply to centres of education i.e. Youthreach Centres as well as to recognised schools). It was highlighted to ETBs that while the procedures for schools give guidance to school boards of management (including boards of management of ETB schools) in relation to meeting their statutory obligations in relation to Child Safeguarding Statements, individual ETBs will also need to consider the child safeguarding obligations of the ETB itself across all of the relevant services that are provided.

Attention was drawn to the Act’s requirement that providers of relevant services to children must prepare and publish a Child Safeguarding Statement in accordance with the Act by 11 March 2018. It was stated that ETBs’ services may fall within the definition of provider of a relevant service and that it is important that ETBs are aware of this new statutory obligation and of the requirement for it to be met by 11 March 2018. In addition, ETBs were told to ensure that appropriate reporting procedures are in place to reflect the Act’s reporting requirements in respect of any mandated persons and also the best practice reporting obligations for all persons set out under the updated Children First Guidance.

The Department’s Further Education & Training Section will liaise with Education and Training Boards Ireland (ETBI) to determine any additional guidance required to assist the FET sector in maintaining compliance with Children First guidelines and legislation. This may include spot checking arrangements for centres not subject to inspection.

In the event of additional guidance or additional agencies, FET section will reissue guidance as a priority. FET section will also update procedures to reflect the above.
2.4 Other bodies/agencies funded by DES

<table>
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<tr>
<th>Bodies operating under the aegis of the Department of Education and Skills are listed below</th>
<th>Measures taken or proposed</th>
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<tbody>
<tr>
<td>- An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG)</td>
<td>Agencies/bodies under the aegis of this Department who fall within the definition of a provider of a ‘relevant service’ under the legislation, have been notified of the statutory obligation to produce their own Child Safeguarding Statements and to ensure that appropriate reporting procedures are in place to reflect the Act’s reporting requirements in respect of any mandated persons working in those organisations and also the best practice reporting obligations for all persons set out under the updated Children First: National Guidance for the Protection and Welfare of Children 2017.</td>
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<td>- Commission to Inquire into Child Abuse (CICA)</td>
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<td>- Educational Research Centre (ERC)</td>
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<td>- Grangegorman Development Agency (GGDA)</td>
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<td>- Higher Education Authority (HEA)</td>
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<td>- Irish Research Council</td>
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<td>- Léargas - The Exchange Bureau</td>
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<td>- National Centre for Guidance in Education (NCGE)</td>
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<td>- National Council for Curriculum and Assessment (NCCA)</td>
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<td>- National Council for Special Education (NCSE)</td>
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<td>- Quality and Qualifications Ireland (QQI)</td>
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<td>- Residential Institutions Redress Board (RIRB)</td>
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<td>- Residential Institutions Review Committee (RIRC)</td>
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<td>- Residential Institutions Statutory Fund Board</td>
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<td>- Skillnet Ireland</td>
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<tr>
<td>- An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS)</td>
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<td>- State Examinations Commission (SEC)</td>
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<td>- The Teaching Council</td>
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While not a requirement of the Code of Practice for the Governance of State Bodies (2016), the Department will, from 2019 onwards, require relevant agencies/bodies operating under its aegis to provide appropriate assurances regarding their compliance with the Children First Act 2015 and the Children First National Guidelines.
3. Monitoring and Review

This Sectoral Implementation Plan will be monitored on an ongoing basis having regard to national policy and legislative developments, any issues emerging from the Department’s Child Protection Oversight Group, any emerging operational issues including in respect of reporting levels or duplication of reporting in the system and any ongoing guidance from Tusla and the Children First Inter-Departmental Implementation Group.

The Plan shall be formally reviewed every three years or more regularly as necessary. The Department’s Child Safeguarding Statement will be reviewed every two years, or more regularly as necessary.
Child Safeguarding Statement

REVISED MARCH 2019
1. **Background**

The Children First Act 2015 requires organisations that are providers of ‘relevant services’ under the Act to publish a Child Safeguarding Statement. This Statement details the relevant services provided by staff of the Department of Education and Skills to children as well as the principles and procedures in place to safeguard children from harm while availing of those services.

2. **Name of Service being provided**

The Department of Education and Skills (DES) is a Department of the Irish state with responsibility for the development of education and training policy to facilitate individuals through learning, to achieve their full potential and contribute to Ireland's social, cultural and economic development. The Department employs approximately 1400 officers (1320WTE\(^1\)) comprising administrative (general service) grades, professional and technical staff (such as Inspectors, psychologists, architectural and engineering staff in the Planning and Building Unit) and other grades (such as service officers, cleaners and telephonists). In addition, the Department employs a number of temporary staff to meet staffing needs at times of particularly high activity across the Department.

Within the Department itself, interaction with children by general DES staff is limited but there are a number of discrete functional areas that provide a relevant service within the meaning of Schedule 1 to the Act. These are as follows:

- **The National Educational Psychological Service (NEPS)** provides an educational psychological service to all schools, through the application of psychological theory and practice, to support the wellbeing, academic, social and emotional development of all learners. NEPS prioritises support for learners at risk of educational disadvantage and those with special educational needs. NEPS psychologists work in both primary and post-primary schools in partnership with teachers, parents and children. Each NEPS psychologist offers a range of services aimed at meeting learners’ needs through direct casework with individual students (e.g. consultation and assessment work carried out on a 1:1 basis) and indirect work with teachers and parents to build systemic capacity. It should be noted that NEPS psychologists are mandated persons under the provisions of the Children First Act 2015.

- **The Inspectorate** is responsible for the evaluation of primary and post-primary schools and centres for education in addition to undertaking Early Years Education Inspections. Inspectors also provide advice on a range of educational issues to school communities, policy makers in the Department and to the wider educational system.

\(^1\) Whole Time Equivalent
Employment of staff under the age of 18 years, including temporary clerical officers (TCO’s), and the periodic provision of work experience placements to Transition Year (TY) students who are usually under 18 years of age.

Visits to schools by DES staff to examine school building works and occasional consultation with teachers/pupils in relation to the works undertaken.

Agencies/bodies under the aegis of this Department who fall within the definition of a provider of a ‘relevant service’ under the legislation, have been notified of the statutory obligation to produce their own Child Safeguarding Statements and to ensure that appropriate reporting procedures are in place to reflect the Act’s reporting requirements in respect of any mandated persons working in those organisations and also the best practice reporting obligations for all persons set out under the updated *Children First: National Guidance for the Protection and Welfare of Children 2017.*

### 3. **Commitment to safeguard children from harm**

The Department of Education and Skills is committed to maintaining the highest standards of child safeguarding, in line with all relevant legislation including the Children First Act 2015 and informed by best practice including *Children First: National Guidance for the Protection and Welfare of Children* (2017 edition) as published by the Department of Children and Youth Affairs as well as Tusla’s *Child Safeguarding: A guide for Policy Procedure and Practice.*

The safety, welfare and development of children and young people is a core objective and key priority for the Department. Every staff member of the Department has a responsibility and a duty of care to ensure that every child/young person availing of our service is safe and protected from harm (physical/emotional/sexual abuse or neglect). The policies and procedures outlined in this Child Safeguarding Statement apply to all DES staff (employees, temporary staff, students, interns, contractors and any person performing any role or function in, or on behalf of, the DES).

**Key child safeguarding principles:**

- The safety and protection of children who come into contact with Department officials is of paramount importance.
- The Department has introduced, and shall continue to implement, measures to raise awareness among all staff regarding child safeguarding principles and best practice.
- Staff who make disclosures about suspected child abuse or neglect are protected by relevant legislation, including the *Protection for Persons Reporting Child Abuse Act, 1998* which provides for the protection from civil liability of persons who have communicated child abuse or neglect “reasonably and in good faith” to Tusla and/or An Garda Síochána. Staff should know that they are always correct to raise reasonable concerns even if these are not validated in a subsequent Tusla assessment or Garda investigation with responsible action at all times strongly encouraged by this Department.
In line with best practice under the *Children First: National Guidance*, a Designated Liaison Person (DLP) and Deputy Designated Liaison Person (Deputy DLP) have been appointed.

Staff shall be provided with Children First training in accordance with their needs, responsibilities and interactions (if any) with children.

All applicable Departmental policies and procedures shall be available to any child or their parents/guardians.

4. **Risk Assessment**

This Child Safeguarding Statement is informed by a risk assessment which was carried out by HR Unit to assess any potential for harm to a child by DES officials while availing of our services. It has also been prepared in accordance with Section 11(1)(a) of the Children First Act 2015, which defines risk as “*any potential for harm to a child while availing of the service.*” Below is a list of the areas of risk identified and an outline of the procedures in place for managing these risks.

<table>
<thead>
<tr>
<th>Risk(s) Identified</th>
<th>Procedure in place to manage identified risk(s)</th>
</tr>
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</table>
| 1 Potential of harm to a child by a staff member while availing of the services of the National Educational Psychological Service (NEPS). | - Educational Psychologists are recruited through competitions conducted by the Public Appointments Service (PAS) on behalf of the Department and as part of that process candidates are subject to Garda vetting.  
- The management of NEPS have provided staff members with comprehensive guidelines to follow in carrying out their official duties. The document covers the different work situations a psychologist is likely to encounter and provides advice to ensure that children availing of psychological services are in a safe and comfortable environment be it in a school, office or other setting.  
- All psychologists have completed Tusla’s e-Learning module in relation to the Children First Act 2015.                                                                 |
| 2 Potential of harm to a child by a member of the Inspectorate while s/he is conducting inspection/advisory work in primary and post-primary schools, centres for education and other settings, including early years settings and Coláistí Gaeilge. | - In conducting inspections and other work in early years’ settings, primary and post-primary schools, centres for education and other settings, inspectors interact with learners in classrooms and other settings. During these interactions, inspectors ensure that another adult is present.  
- Inspectors do not engage in one-to-one interaction with a pupil/student unless another adult is present.  
- In the case of an early years’ setting, the other adult must be an Early Years’ practitioner. |
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</table>
| 3 | i. Potential of harm to a person, under the age of 18, while employed by DES or participating in a Transition Year or other work experience placement with the Department.  
ii. That an occurrence or allegation of harm (whether or not it occurred in the course of the placement) that is either disclosed by the young person or witnessed/suspected by a staff member, may not be appropriately reported to the DLP/Deputy DLP and/or to the relevant statutory authorities. |
|   | - In the case of a school, centre for education or other setting, the other adult may be an inspector or a member of the school/centre/setting staff.  
- All inspections are carried out in accordance with procedures set out in published guides to inspection, as approved by the Minister, which can be accessed on the website of the Department at [www.education.ie](http://www.education.ie)  
- All Inspectors are subject to Garda vetting prior to their appointment.  
- Training on Child Protection and Safeguarding is provided as part of the induction programme for newly-appointed inspectors. Child Protection and Safeguarding is also addressed, on a regular basis, through the Continuous Professional Development Programme for the Inspectorate. Participation in these programmes is mandatory for all inspectors.  
- Staff shall be made aware of the Department’s Policy on the employment of staff under the age of 18, including temporary clerical officers (TCO’s) or provision of Transition Year work placements as well as the associated procedures for reporting and recording incidents or concerns. This explains, *inter alia*, how to identify and report relevant concerns or allegations to the DLP or Deputy DLP who will, in consultation with the reporter and (as necessary) with Tusla, determine whether the matter needs to be referred to Tusla and (as applicable) to An Garda Síochána. The DLP/Deputy DLP will also inform the Head of Human Resources (HR), who will determine any immediate measures that may be needed from a HR perspective.  
- All staff are expected to adhere to the relevant Departmental and Civil Service codes and policies in their interactions with children and young people. Non-compliance with these policies and failure to uphold the expected standards of behaviour may result in disciplinary action up to and including dismissal.  
- All staff of the Department are subject to standard Garda clearance/vetting procedures.  
- Be introduced personally to a staff member who will be an additional contact person for them, to raise any issues or concerns around abuse, bullying/harassment, inappropriate behaviour, or any other matter of concern to the student. This contact person will be a Higher Executive Officer (HEO) from HR Unit in each of the Department’s 3 main locations (unless the placement is in HR, in...
which case a staff member from another Division will be nominated).

4. **Potential of harm to a child by a DES staff member during official visits to schools to examine school building works.**

- While on occasion, DES staff do engage with pupils to ascertain their views on building works undertaken (particularly new schools), this is mitigated by the fact that visits are in the company of the School Principal or Deputy Principal and any interactions with pupils are conducted in the presence of a teacher.
- The management of the School Planning & Building Unit are in the process of drafting guidelines for the professional and technical staff in relation to visits to school facilities.

4. **Child safeguarding policies and procedures**

In addition to the procedures listed in the aforementioned risk assessment, the following legislation, policies, procedures and codes support the Department’s intention to safeguard children while they are interacting with DES officials:

- Garda vetting: While all staff in the Department are subject to Garda vetting, as an additional support to this, the Department intends to have officials in line sections that have access to school children to be re-vetted at five year intervals. This will, in the first instance, concern staff of NEPS and the Inspectorate;
- Children First Act 2015;
- *Children First – National Guidance for the Protection and Welfare of Children 2017*;
- Tusla’s *Child Safeguarding: A guide for Policy Procedure and Practice*;
- Department of Education & Skill’s *Child Protection Procedures for Primary and Post Primary Schools*;
- Departmental policy on employment of staff under the age of 18 including temporary clerical officers (TCO’s) and provision of unpaid work placements to Transition Year students;
- Procedures for responding to child protection concerns brought to the attention of staff employed by the Department of Education and Skills;
- Department of Education & Skill’s *Information and Communications Technology (ICT) Policy 2016*;
- Department of Education & Skill’s *Safety Statements* for all locations in compliance with the Safety, Health and Welfare at Work Act 2005;
- Civil Service Code of Standards and Behaviour;
- Civil Service Dignity at Work Policy;
- Civil Service Disciplinary Code 2016; and the

These documents are available upon request.
5. **Implementation and Review**

- This Department recognises that implementation of this Statement is an ongoing process and is committed to its implementation and the accompanying child safeguarding policies and procedures that support the Department’s intention to keep children safe from harm while availing of our services.

- This Statement will be reviewed every 2 years, with the first review to take place before 11th March, 2020, or as soon as practicable after there has been a material change in any matter to which the statement refers.

- This Statement has been published on the Department’s website and will be provided to all DES staff, both permanent and temporary, and any other persons involved with the service. It is readily accessible to parents and guardians on request. A copy of this Statement will be made available to Tusla if requested.

6. **Designated Liaison Person (DLP)/ Deputy Designated Liaison Person (Deputy DLP)**

The Department has assigned as relevant persons, for the purposes of the Children First Act 2015, a Designated Liaison Person (DLP) and a Deputy Designated Liaison Person (Deputy DLP). They are the contact persons for any child protection concerns in relation to Department staff and are also responsible for ensuring that reporting procedures within the Department are followed, so that child welfare and protection concerns are referred promptly to Tusla.

The Designated Liaison Person (DLP) is Arthur Kelly, HR Unit, Dublin, at **Phone: 01- 8896473 Email: Arthur_Kelly@education.gov.ie**

The Deputy Designated Liaison Person (Deputy DLP) is Annmarie Quinn, HR Unit, Dublin, at **Phone: 01- 8892266 Email: Annmarie_Quinn@education.gov.ie**

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