

Réamhrá & Creat Dílíthiúil



An tAcht um Thús Áite do Leanaí, 2015

Cuirtear leis an Acht um Thús Áite do Leanaí, 2015, gnéithe áirithe de Tús Áite do Leanaí: Treoir Náisiúnta 2017 ar bhonn reachtúil. Soláthraíonn sé do roinnt príomhbheart cosanta leanaí a bhaineann le scoileanna agus le múinteoirí cláraithe, lena n-áirítear:

- Oibleagáid reachtúil ar scoileanna leanaí a choinneáil slán ó dhíobháil agus Ráiteas um Chumhdach Leanaí a ullmhú agus a chur ar taispeáint
- Oibleagáid reachtúil ar mhúinteoirí cláraithe imní faoi chosaint leanaí ag tairseach shainmhínithe nó os a cionn a thuairisciú do Tusla
- Oibleagáid reachtúil ar dhaoine sainordaithe chun cabhrú le Tusla sa mheasúnú de riosca cosanta linbh, nuair a iarrann Tusla déanamh amhlaidh de réir an Achta.

Oibríonn an tAcht um Thús Áite do Leanaí, 2015 taobh le taobh le Tús Áite do Leanaí: Treoir Náisiúnta 2017. Leagtar amach in Tús Áite do Leanaí: Treoir Náisiúnta 2017 na hoibleagáidí reachtúla thuasluaite den Acht agus freisin na hoibleagáidí dea-chleachtas (neamhreachtúla) atá fós i bhfeidhm i ndáil leis an lucht foirne scoile go léir agus le gach scoil.

Leanann na nósanna imeachta nuashonraithe seo do scoileanna le ceanglas na nósanna imeachta roimhe seo go gcuirfidh lucht foirne scoile, lena n-áirítear múinteoirí cláraithe, an DIA sa scoil ar an eolas faoi aon imní go ndearnadh mí-úsáid ar leanbh, go bhfuil mí-úsáid á déanamh ar leanbh, nó go bhfuil riosca ann go ndéanfaí mí-úsáid nó faillí ar leanbh.

Tá oibleagáid reachtúil anois ar gach múinteoir cláraithe, mar dhuine sainordaithe, chun a t(h)uarascáil féin a thabhairt do Tusla sa chás go bhfuil imní cosanta leanaí ag an tairseach dhíobhála nó os a cionn

Tá oibleagáid reachtúil ar scoileanna lena áirithiú, a mhéid is indéanta, go bhfuil gach leanbh atá ag freastal ar an scoil sábháilte ó dhíobháil agus é/í ag freastal ar an scoil nó ag glacadh páirte i ngníomhaíochtaí scoile. Éilítear ar scoileanna freisin faoi alt 11 den Acht Ráiteas Cosanta Leanaí a ullmhú agus a fhoilsiú.

Ar leithligh ón Acht um Thús Áite do Leanaí, 2015, leantar le dualgas cúraim ginearálta a bheith ag gach scoil dá gcuid daltaí.

In aon chás ina bhfaigheann ball den lucht foirne scoile, lena n-áirítear múinteoir cláraithe, líomhain nó má tá amhras ann go ndearnadh mí-úsáid ar leanbh, go bhfuil mí-úsáid á déanamh ar leanbh, nó go bhfuil riosca ann go ndéanfaí mí-úsáid nó faillí ar leanbh, go ndéanfaidh sé nó sí an t-ábhar a thuairisciú don DIA gan mhoill

Ní mór dó/di a chinneadh freisin an bhfuil sé riachtanach dó/do tuairisc sainordaithe a dhéanamh do Tusla faoin imní sin. Ceanglaítear leis na nósanna imeachta seo go dtéann an múinteoir cláraithe i dteagmháil leis an DIA

Ní mór do na boird bhainistíochta go léir glacadh go foirmiúil leis na nósanna imeachta athbhreithnithe seo agus iad a chur chun feidhme mar chuid de Ráiteas um Chumhdach Leanaí na scoile.

Introduction and Legal Framework



The Children First Act, 2015

The Children First Act, 2015 put certain elements of the Children First National Guidance 2017 on a statutory footing. It provides for a number of key child protection measures that are relevant to schools and registered teachers including:

- A statutory obligation on schools to keep children safe from harm and to prepare and display a Child Safeguarding Statement
- A statutory obligation on registered teachers to report child protection concerns at or above a defined threshold to Tusla
- A statutory obligation on mandated persons to assist Tusla in the assessment of a child protection risk, where requested to do so by Tusla in accordance with the Act.

The Children First Act, 2015 operates side-by-side with the Children First National Guidance 2017. Children First National Guidance 2017 sets out the above statutory obligations of the Act and also the best practice (non-statutory) obligations which continue to apply to all school personnel and to all schools.

These updated procedures for schools therefore continue the previous procedures' requirement that school personnel, including registered teachers, bring any concern that a child has been, is being, or is at risk of being abused or neglected to the attention of the designated liaison person (DLP) in the school.

Every registered teacher, as a mandated person, now has a statutory obligation to make his or her own report to Tusla where a child protection concern is at or above a threshold of harm as defined in the Act.

Children First Act, 2015 places a statutory obligation on schools to ensure, as far as practicable, that each child attending the school is safe from harm while attending school or otherwise participating in school activities.

Separate to the Children First Act, 2015 all schools continue to have a general duty of care to their pupils in any situation where a member of school personnel, including a registered teacher, receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of being abused or neglected, he or she shall without delay report the matter to the DLP

In addition he or she must also consider whether it is necessary for him or her (i.e. the registered teacher) to make a mandated report to Tusla in respect of that concern. In that regard, these procedures require that the registered teacher shall liaise with the DLP

All boards of management are required to formally adopt and implement these revised procedures as part of the school's Child Safeguarding Statement.