



Procedure for Child Protection Allegations Involving ATU Members

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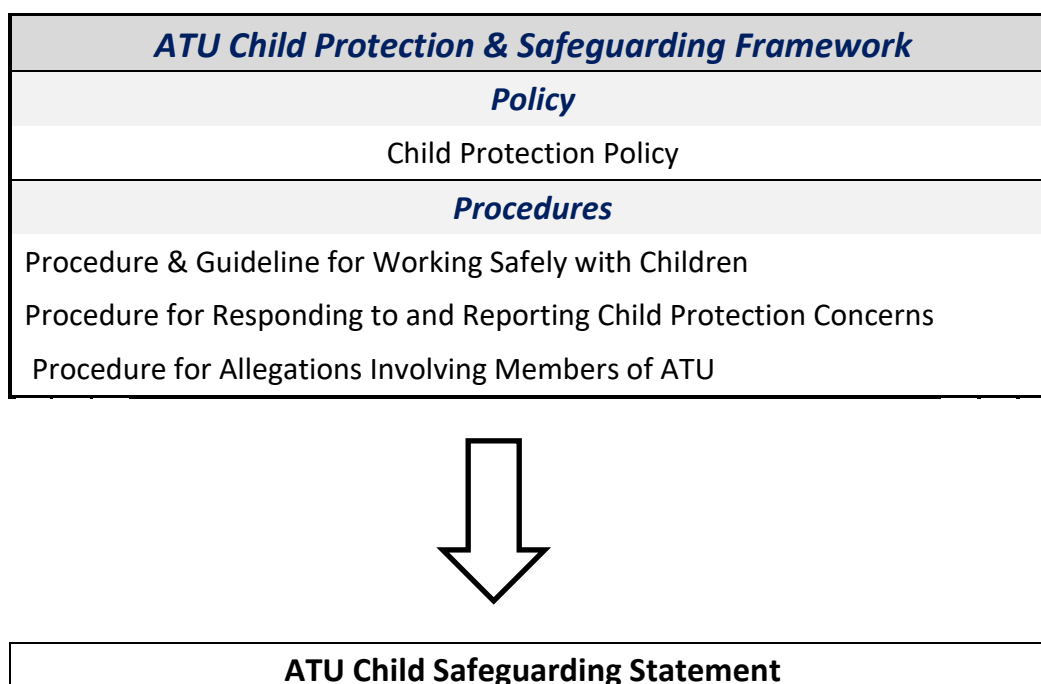
Table of Contents

1. Purpose	4
2. Scope	4
3. External Reference Documents	5
4. Procedure for Child Protection Allegations Involving ATU Members	5
5. Reporting Procedure in Respect of the Allegation Against a University Member	6
5.1 Procedure if an Allegation is made against a University Employee or Volunteer	6
5.2 Procedure if an Allegation is made against a University Student	7
5.3 Procedure if an Allegation is made against a contractor undertaking work at or on behalf of the university	8
5.4 Right of Reply	10
5.5 Action following Feedback from Tusla	10
6. Documents Associated with this Procedure	10
7. Measurement of Effectiveness of this Procedure	10
8. Revision History	10
9. Appendix 1	12
9.1 Diagram of Procedure for Child Protection Allegations Involving ATU Members ...	12

1. Purpose

Atlantic Technological University (ATU) recognises its responsibility to promote and safeguard the welfare of children, young people, and vulnerable persons. The University's Child Protection Procedures have been developed following extensive consultation, and take account of the *Children First Act, 2015* and the *Children First: National Guidance for the Protection and Welfare of Children (Tusla 2017)*.

This document** is part of a *suite of university documents* provided to give clear direction and guidance to all members of the ATU community in relation to meeting their statutory obligations, and in how to implement (non-statutory) best practice guidance when dealing with **allegations involving ATU members**:



2. Scope

This procedure applies to all University members, including:

- All employees of ATU, including employees of campus companies and research centres.
- All students who may have contact with children or vulnerable adults on campus, online, or off-campus in the course of their duties or in fulfilment of the requirements of their programmes of study.
- All external parties (including agents, contractors, and volunteers) who operate at any time within or for ATU.

3. External Reference Documents

- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016
- Children First Act 2015
- National Guidance for the Protection and Welfare of Children (Tusla, 2017)

4. Procedure for Child Protection Allegations Involving ATU Members

In the event of an allegation of child abuse against a University Member, the University has a dual responsibility to the child and the University member (Staff or Registered Student). While the most important consideration is the protection of children, and ensuring their safety and well-being, ATU also has a duty and responsibility to all university members and must ensure that any person against whom an allegation is made is afforded their right to a fair enquiry.

Notwithstanding, any university member could be subject to an erroneous or malicious allegation. Any allegation relating to child protection concerns shall therefore be dealt with sensitively and with appropriate supports, including counselling, which is freely available through the Staff Employee Assistance Service (EAS) and the Student Counselling Service. All university members shall be treated fairly, which includes the right not to be judged in advance of a full enquiry. When dealing with any allegations relating to child protection involving a university member, all parties must be cognisant of and comply with employment legislation and all relevant university policies and procedures including approved grievance and disciplinary procedures and the student code policy.

If an allegation is made against any university member there are a number of procedures to be followed:

- i) the Procedure for Responding to and Reporting a Child Protection Concern.
- ii) the procedure for dealing with the person against whom the allegation is made. There are two analogous procedures to follow, depending on whether the allegation is made against a University Student or University employee or volunteer. These are outlined.

It is important that different senior managers progress these two separate responses, so as to optimise the independence of the process. It is key however, that the senior managers progressing the response/s communicate with each other throughout the process.

Care must be taken to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.

Close liaison should be maintained between the University and Tusla and An Garda Síochána (where appropriate).

5. Reporting Procedure in Respect of the Allegation Against a University Member

The University's Designated Liaison Person (DLP) or a mandated person is responsible for reporting the matter to Tusla and / or An Garda Síochána if there are reasonable grounds for concern. This process is described in detail in a the ATU Procedural document, *'Procedure for Responding to and Reporting Child Protection Concerns'*.

If the child protection concerns in respect of a University Member is reported to TUSLA by a mandated person, they must disclose the detail of this report to the DLP so as to initiate this procedure. The DLP shall:

1. Ensure that the University's reporting procedure has been followed as detailed in *'Procedure for Responding to and Reporting Child Protection Concerns'*
2. Always inform the Director of Human Resources, or their nominee, where the matter involves an allegation raised against a University employee or volunteer.
3. Always inform the Registrar & Vice President Students, Teaching & Learning, or their nominee, where the matter involves an allegation against a student.

5.1 Procedure if an Allegation is made against a University Employee or Volunteer

The Vice President for Corporate Affairs (Human Resources) or their nominee, shall deal with cases involving an allegation raised against a University employee or volunteer.

The Vice President for Corporate Affairs (Human Resources), or nominee shall:

- (i) liaise with the University DLP to ascertain the nature of the allegation.
- (ii) seek legal advice, if required, depending on the circumstances of the case.
- (iii) Inform the President of ATU of the allegation
- (iii) inform the University staff member or volunteer against whom the allegation was made and their manager of the following:

- the fact that an allegation has been made, unless it is not in the interest of the child (subject of the allegation).
- The nature of the allegation and provide a copy of the written record and / or allegation, along with any other related documentation, shall be provided to the person against whom the allegation is made, unless it is not in the interest of the child or person who is subject of the allegation.
- Whether or not the matter has been reported to Tusla.
- the safeguarding measures that are being put in place to ensure that this particular child and all children are safe. The Director of Human Resources may direct the person against whom the allegation is made to absent themselves from the faculty, school and campus with immediate effect. Such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made. At this juncture, such action if taken, is intended to be precautionary and not disciplinary.

(v) keep a detailed written record of each stage in the process.

The allegation will then be progressed under the Disciplinary Procedure. Care must be taken to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.

Close liaison should be maintained between the University and Tusla and An Garda Síochána (where appropriate).

The matter must always be treated in the strictest of confidence, and the identity of the person against whom the allegation is made shall not be disclosed, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to respond and / or be represented.

This is synopsised in Appendix One.

5.2 Procedure if an Allegation is made against a University Student

The Registrar & Vice President Students, Teaching & Learning, or their nominee, shall deal with cases involving an allegation against a student.

- (i) liaise with the University DLP to ascertain the nature of the allegation.
- (ii) seek legal advice, if required, depending on the circumstances of the case.

- (iii) inform the Student against whom the allegation was made and their Head of Department of the following:
- Will be informed of the fact that an allegation has been made, unless it is not in the interest of the child or person who is the subject of the allegation.
 - The nature of the allegation and provide a copy of the written record and / or allegation, along with any other related documentation, shall be provided to the person against whom the allegation is made, unless it is not in the interest of the child or person who is subject of the allegation. Whether or not the matter has been reported to Tusla.
 - the safeguarding measures that are being put in place to ensure that this particular child (subject of the allegation) and all children are safe. The Registrar & Vice President Students, Teaching & Learning, or their nominee, may direct the student against whom the allegation is made to absent themselves from the faculty, school and campus with immediate effect. Such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made. At this juncture, such action if taken, is intended to be precautionary and not disciplinary.
- (v) keep a detailed written record of each stage in the process.

The allegation will then be progressed under the *Procedure for non-academic breaches of the Student Code. (*legacy disciplinary procedures to be deployed until university approved)

The matter must always be treated in the strictest of confidence, and the identity of the person against whom the allegation is made shall not be disclosed, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to respond and / or be represented.

Care must be taken to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.

Close liaison should be maintained between the University and Tusla and An Garda Síochána (where appropriate).

This is synthesised in Appendix One.

5.3 Procedure if an Allegation is made against a contractor undertaking work at or on behalf of the university

All external contracts must include a clause highlighting the contracted agency's willingness to work with ATU in discharging their Child Protection duties. This must include an agreement to work with the University as required to process a report to TUSLA in the context of child protection concerns being raised; a willingness to communicate with the DLP and ATU senior management as required; and a willingness to undertake safeguarding measures to ensure all children are safe.

The Vice President for Corporate Affairs (Human Resources) or their nominee, shall deal with cases involving an allegation against a contractor undertaking work at or on behalf of the university.

The Vice President for Corporate Affairs (Human Resources), or nominee shall:

- (i) liaise with the University DLP to ascertain the nature of the allegation.
- (ii) seek legal advice, if required, depending on the circumstances of the case.
- (iii) Inform the President of ATU of the allegation
- (iii) inform the Contractor or if appropriate the Agency's DLP of the following:
 - the fact that an allegation has been made, unless it is not in the interest of the child (subject of the allegation).
 - The nature of the allegation and provide a copy of the written record and / or allegation, along with any other related documentation, shall be provided to the person against whom the allegation is made, unless it is not in the interest of the child or person who is subject of the allegation. Whether or not the matter has been reported to Tusla.
 - Whether or not the matter has been reported to Tusla.
- (iv) inform the contractor that they must ensure implement safeguarding measures to ensure that this particular child and all children are safe. These should be undertaken without delay and the Vice President for Corporate Affairs (Human Resources), informed of these actions. The Contractor may direct the person against whom the allegation is made to absent themselves from their work at ATU. Such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made. At this juncture, such action if taken, is intended to be precautionary and not disciplinary.
- (v) keep a detailed written record of each stage in the process.

The allegation will then be progressed under the Contractor's Disciplinary Procedure.

The matter must always be treated in the strictest of confidence, and the identity of the person against whom the allegation is made shall not be disclosed, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to respond and / or be represented.

5.4 Right of Reply

The principles of natural justice, a presumption of innocence and fair procedure apply in all cases.

The person against whom the allegation is made shall be offered the opportunity to respond to the allegation, in writing to the appropriate body within a specified period. That person shall be informed that their response may be referred to Tusla and / or An Garda Síochána, as appropriate.

5.5 Action following Feedback from Tusla

Tusla should provide feedback on the progress / outcome of each reported case involving a university member. The Director of HR / Registrar & Vice President Students, Teaching & Learning should be notified of the outcome of the assessment / investigation. This will assist the University in reaching a decision on any action(s) to be taken in respect of the person against whom the allegation was made.

6. Documents Associated with this Procedure

- ATU Child Protection Policy
- ATU Child Safeguarding Statement
- ATU Procedure and Guideline for Working Safely with Children
- ATU Procedure for Responding to and Reporting Child Protection Concerns

7. Measurement of Effectiveness of this Procedure

This procedure will be reviewed periodically by the ATU Child Protection Committee (the terms of reference and composition of this committee is provided for in the ATU Child Protection Policy).

8. Revision History

Revision No	Description of Change	Approval Date
001	New Procedure	24/06/2024

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9. Appendix 1

9.1 Diagram of Procedure for Child Protection Allegations Involving ATU Members

