Policy and Procedures for the Protection and Safeguarding of Children



Dublin City Council

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Comhairle Cathrach Bhaile Átha Cliath
Dublin City Council

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[1] See Children First Act, 2015. Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,



Section 1

Policy for the Protection and Safeguarding of Children

1. Context

1.1 Children, because of their dependency and immaturity, are vulnerable to abuse in various forms. Parents or guardians have primary responsibility for the care and protection of their children. However, the Council has a responsibility to ensure that children and young people are kept safe from harm while they are availing of Council activities/services.

1.2 This Policy and Procedure has been developed in accordance with the Children First Act, 2015 and Children First: National Guidance 2017 for the Protection and Welfare of Children.

2. Purpose

2.1 The purpose of this document is to outline Dublin City Council's mandatory policy and procedures for the protection and safeguarding of children in accordance with the Children First Act, 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017.

2.2 This policy and procedure is supported by Dublin City Councils Child Safeguarding Statements and Codes of Behaviour(s) for individual service areas.

3. Policy Statement

3.1 The Council is committed to a child-centred approach to our work with children in all our services and activities. The Council has a responsibility to ensure the protection and safeguarding of children.

3.2 The Council adheres to the Children First Act, 2015 and the Children First National Guidance for the Protection and Welfare of Children 2017 by implementing procedures covering:

3.2.1 Appropriate recruitment and selection of employees and volunteers;
3.2.2 Appropriate vetting procedures (in accordance with National Vetting Bureau Act, 2012 to 2016) for all relevant employees and volunteers;
3.2.3 Appropriate management, supervision and training of employees, volunteers and work placement students;



3.2.4 Reporting and recording of concerns, incidents, accidents and complaints that come to the attention of the local authority;

3.2.5 Reporting and recording of concerns, incidents, accidents and complaints made against the Council, local authority employees/volunteers, any individuals taking undertaking work experience or internships within the Council;

3.2.6 The reporting of suspected or disclosed abuse confidentially;

3.2.7 Circulation of information as considered necessary to employees, volunteers, parents/guardians and users of local authority services.

4. Scope

4.1 This policy shall apply to:

4.1.1 All local authority employees and volunteers and any individuals undertaking work experience or internships within the Council;

4.1.2 All local authority functions, services and activities that impact with children;

4.1.3 All relevant and appropriate contractors and providers who are supported by the local authority through the provision of resources.

5. Objectives

5.1 The policy objective is to strengthen the safety and welfare of children in their various interactions with the Council and to provide specific safeguards and support to employees and volunteers in contact with children and create a culture of safety which promotes the welfare of children and young people availing of the Council's services.

6. Relevant Legislation

6.1 There are a number of key pieces of legislation, codes of practice, standards and guidance that relate specifically to the reporting of child welfare and protection concerns;

6.1.1 Children First Act, 2015
6.1.2 Children First: National Guidance for the Protection and Welfare of Children
6.1.3 National Vetting Bureau (Children and Vulnerable Persons) Act, 2012-2016
6.1.4 Safeguarding Guidance for Organisations. Tusla 2015
6.1.5 Criminal Justice Act (Withholding of Information on Offences Against Children and Vulnerable Persons) Act, 2012
6.1.6 Criminal Justice Acts, 2006-2013
6.1.7 Occupiers Liability Act 1995
6.1.8 Data Protection Acts 1988-2003
6.1.9 Freedom of Information 1997-2014
6.1.10 Local Government Act, 2014
6.1.11 Protected Disclosures Act, 2014



6.1.12 Equality Act, 2004
6.1.13 Child Care Act, 1991
6.1.14 Protections for Persons Reporting Child Abuse Act, 1998
6.1.15 Criminal law (Sexual Offences) Act, 2017

6.2 The following provides a brief overview of the legislation;

6.3 It is not intended as legal opinion or advice and in the case of doubt the original legislation should be consulted.

6.4 Children First Act 2015

6.4.1 The Children First Act 2015 was given full effect on 11th December 2017. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals and Organisations. One of the main objectives of the Children First Act 2015 and the Children First Guidance 2017 is to ensure that organisations working with children and young people keep them safe from harm while they are availing of that service. The legislation and this guidance relate to the obligations of relevant services to prevent, as far as practicable, deliberate harm or abuse to the children availing of their services. While it is not possible to eliminate all risk, organisations should put in place policies and procedures to manage and reduce risk to the greatest extent possible.

6.4.2 The Act places specific obligations on organisations that provide services to children and young people, including the requirement to:

6.4.2.1 Keep children safe from harm while they are using relevant services;
6.4.2.2 carry out a **risk assessment** to identify whether there is any risk that a child or young person could be harmed while receiving its services;
6.4.2.3 develop a Child Safeguarding Statement which outlines the policies and procedures which are in place to manage the risks which have been identified; and
6.4.2.4 appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

6.5 Protections for Persons Reporting Child Abuse Act 1998

6.5.1 This Act protects the person making a report of suspected child abuse to designated officers of the Child and Family Agency (Tusla), the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the CEO of the Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

6.5.2 This legal protection applies to organisations as well as to individuals. This means that even if a report of suspected child abuse proves unfounded, a plaintiff who took an action



would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

6.5.3 The full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, can be found on the website of each agency (www.tusla.ie and www.hse.ie).

6.6 Criminal Justice Act 2006 – Reckless Endangerment

6.6.1 Section 176 of this Act creates an offence where a person, who has authority or control over a child or an abuser, intentionally or recklessly endangers the child by causing or permitting the child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or by failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

6.7 Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

6.7.1 The Act creates a criminal offence of withholding information relating to the commission of a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would be of material assistance in securing the apprehension, prosecution or conviction of another person for that offence and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána.

6.7.2 The Act requires that any person who has information regarding a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Sióchána. Failure to report under the Withholding Act is a criminal offence under that legislation. This obligation is **in addition to** any obligations under the Children First Act 2015.

6.7.3 The provisions of the withholding legislation are **in addition** to any reporting requirements under the Children First Act 2015.



6.8 National Vetting Bureau Act, 2012 to 2016

6.8.1 National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 provides the statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons.

6.8.2 The Act stipulates that a relevant organisation shall not permit any person to undertake **relevant work or activities** on behalf of the organisation, unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. The Council is deemed to be a relevant organisation for the purposes of the Act and shall vet relevant employees and volunteers accordingly.

7. Designated Child Protection Liaison Officer

7.1 The Council shall appoint at least one Designated Child Protection Liaison Officer to:

7.1.1 receive and consider child welfare and protection concerns;
7.1.2 carry out informal consultation with the Tusla;
7.1.3 make formal child welfare and protection referrals to the Tusla;
7.1.4 maintain confidential records and inform parents/carers, where appropriate, if a report is to be submitted to the Tusla/An Garda Síochána (note it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family).

8. Mandated Persons

8.1 The Children First Act 2015 places a legal obligation on specific people to report to the Tusla any incidences of harm against a child which meet or exceed a specified threshold. These people have been designated as “mandated persons” under the legislation.

8.2 The Council, where relevant, will maintain a list of persons in the organisation who are mandated persons under the Act (Appendix V).

9. Risk Assessment

9.1 Each relevant individual service area of the Council must undertake a risk assessment of any potential for harm to a child, while availing of the services of the Council and prepare a child safeguarding statement that shall include a written assessment of the risk and the procedures in place to manage and/or mitigate any risk identified.

10. Child Safeguarding Statement

10.1 In accordance with the Children First Act, 2015, the Council will prepare a Corporate Child Safeguarding Statement.



10.2 The Corporate Child Safeguarding Statement should include a written assessment of the risks and specify the procedures that are in place to:

10.2.1 manage corporate risks identified;

10.2.2 provide information and training to employees and volunteers on child protection and safeguarding issues;

10.2.3 enable employees/volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister;

10.2.4 Maintain a list of persons in the organization who are mandated persons under the Act,

10.2.5 appoint a relevant person in the organization for the purposes of the Act.

10.2.6 Each relevant individual service area will also prepare a Service Specific Child Safeguarding Statement, which is a written statement that specify the service being provided, and the principles and procedures to be observed to ensure, as far as practicable, that a child who is availing of the service is safe from harm.

10.2.7 Make the statement available through circulation to all staff members and display the Child Safeguarding Statement publicly, making it available also to parents and guardians, Tusla and members of the public upon request.

10.3 The Specific Service Child Safeguarding Statement should provide an overview of the measures that the service has in place to ensure that children are protected from harm and may refer to more detailed policies which can be made available on request.

10.4 Upon completion, the specific service area Child Safeguarding Statement will be circulated to all relevant employees/volunteers and relevant services will display the Statement publicly and make it available to parents and guardians, Tusla and members of the public on request.

10.5 Each specific service Child Safeguarding Statement will be reviewed every 2 years, or sooner if there have been changes in any of the policies and procedures to which it relates.

11. Disciplinary Policy and Procedure Policy

11.1 Failure to comply with the Council's Child Safeguarding Policy and Procedure can result in disciplinary action, up to and including termination of employment in the case of more serious breaches in line with the Council's Disciplinary Policy and Procedure.



11.2 Malicious or vexatious allegations of child abuse made by employees/volunteers may be considered to be a disciplinary matter and dealt with accordingly.

12. Record Maintenance, Confidentiality and Data Protection

12.1 The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

12.2 Records shall be kept in accordance with the Data Protection Act, 2003 within an agreed HR filing system and be available only to those directly involved and within the confines of the obligations and duties of the Data Protection Act, 2003.

13. Information and Training

13.1 The Council will ensure that appropriate employees and volunteers receive adequate and appropriate child welfare and protection information and training, in accordance with Children First National Guidance 2017.

13.2 The Council will ensure that any employees who are mandated persons under the Children First Act, 2015 receive training specifically in relation to the statutory responsibilities of mandated persons under the Act.

13.3 The Council will ensure that Designated Child Protection Liaison Officers/Deputy Officers receive sufficient child protection and welfare information and training to enable them to undertake this role.

14. Mandated Persons

14.1 The Council is committed to maintaining a list of persons in the Council who are mandated persons under the Children First Act, 2015.

Section 2:

Reporting Procedures

2. Procedure for Employee/Volunteer Reporting Child Protection Concerns

2.1 Tusla should always be informed when a person has **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. Ignoring what may be symptoms of abuse could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred in order to report a concern to the Agency. All that is required is that there are reasonable grounds for concern. It is the role of Tusla to assess concerns that are reported to them. People who report concerns can be assured that



their information will be carefully considered with any other information available and a child protection assessment will proceed where sufficient risk is identified.

2.2 What constitutes reasonable grounds for a child protection or welfare concern?

2.2.1 Evidence (such as injury or behaviour) that is consistent with abuse and is unlikelyto have been caused in any other way.
2.2.2 Any concern in relation to possible sexual abuse.
2.2.3 Consistent signs that a child is suffering from emotional or physical neglect.
2.2.4 A child saying or indicating by other means that he or she has been abused.
2.2.5 Admission or indication by an adult or a child of an alleged abuse they committed.
2.2.6 An account from a person who saw the child being abused.
2.2.7 The determining factor when considering concerns about abuse is the impact on the child rather than the intention of the abuser.

2.3 The four main types of abuse are described in Appendix II and this outlines how abuse and neglect can be recognised.

2.4 Steps to be taken by an employee/volunteer who knows about or suspects child abuse

a) An employee/volunteer who has a concern that a child has been or is at risk of being harmed has a duty to convey this concern to the Designated Child Protection Liaison Officer (or Deputy Officer) without delay. When conveying concerns to the Child Protection Liaison Officer, the employee/volunteer shall complete the TUSLA Standard Report Form at Appendix III and forward same to the Designated Child Protection Liaison Officer without delay.
b) The Designated Child Protection Liaison Officer may report the information to Tusla, who in turn, may notify An Garda Síochána.
c) In an emergency, or where there is an immediate risk to a child or where the Designated Child Protection Liaison Officer/ Deputy or Tusla cannot be contacted, a report should be made directly to An Garda Síochána.
d) If the suspected abuser is an employee/volunteer of the Council, the matter shall be brought to the immediate attention of the City Chief Executive or nominated deputy.
e) The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for Tusla or An Garda Síochána.
f) Under no circumstances should any individual employee or volunteer attempt to intervene or deal with the problem of abuse alone.

2.5 If an employee/volunteer thinks a child is in immediate danger and cannot contact the Designated Child Protection Liaison Officer/Deputy or Tusla, they should contact the Gardaí without delay. Following on, a report should still be made to the Designated Child



Protection Liaison Officer and submitted to Tusla, in accordance with the Council's reporting procedure.

2.6 Talking to Parents/Carers about a Concern

2.6.1 The Children First Act 2015 does not require the person making the report to inform the family that a report under the legislation is being made to TUSLA. However, it is good practice to do so and where possible the person making the report, or the Designated Child Protection Liaison Officer should tell the family that a report is being made and the reasons for the decision.

2.6.2 It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair the Tusla's ability to carry out a risk assessment. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family.

2.7 Standard Reporting Procedure for Designated Child Protection Liaison Officer

2.7.1 The guiding principles in relation to reporting child abuse or neglect may be summarised as follows:

i. the safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made;
ii. reports of concerns should be made without delay to Tusla;

2.8 Designated Child Protection Liaison Officer

2.8.1 The Designated Child Protection Liaison Officer in the Council is responsible for ensuring that reporting procedures within the Council are followed so that child welfare and protection concerns are referred promptly to Tusla, in accordance with the Council's Reporting Procedure.

2.8.2 The Council has appointed the following person as the Designated Child Protection Liaison Officer and Child Protection Deputy Liaison Officer in accordance with the Children First Act 2015. The contact details for the Designated Child Protection Liaison Officer and Deputy Officer(s) are as follows;



Designated Child Protection Liaison Officer (DLP)

Mary Quinn HR Dept 086 8217873

Deputy Child Protection Liaison Officers

Aoife Buchanan HR Dept 087 9801007

Petrice McCarthy HR Dept 087 0952358

(Please note that Dublin Fire Brigade have their own DLP'S in place and all queries from Fire Brigade staff should be directed to those DLP'S first – details should be available in all Fire Stations**).**

2.8.3 The Designated Liaison Person/Deputy should record all concerns or allegations of child abuse brought to his/her attention, and all actions taken following receipt of a concern or allegation of child abuse.

2.8.4 Tusla should always be informed when a person has **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. A report of a concern can be made in person, by telephone or in writing - including by email, to the local social work duty service in the area where the child lives. Contact details for the Agency social work teams can be found on the Agency website (www.tusla.ie) and are outlined in Appendix III.

2.8.5 If the Designated Child Protection Liaison Officer is unsure whether a concern should be reported to the Agency, the Agency can be contacted to informally discuss the concern. This provides an opportunity to discuss the query in general and to decide whether a formal report of the concern to the Agency is warranted. If the concern is below the threshold for reporting, the Agency may be able to provide advice in terms of keeping an eye on the child and other services that may be more suitable to meeting the needs of the child and/or family.

2.9 If you think a child is in immediate danger and the Agency cannot be contacted, you should contact the Gardaí without delay.

2.9.1 What information to include



To help Tusla/ Gardaí assess the concern they need as much information as possible.

This would include, where known;

2.9.1.1 the child's name, address and age;
2.9.1.2 the names and addresses of parents or guardians
2.9.1.3 names, if known of, who is allegedly harming the child or not caring for them appropriately
2.9.1.4 a detailed account of the grounds for concern (such as details of the allegation, dates of incidents, and description of injuries).
2.9.1.5 names of other children in the household;
2.9.1.6 name of school the child attends;
2.9.1.7 the name of the person making the report, contact details and relationship to the child

2.9.2 The more information available to social workers at an early stage the better able they will be to do a full check of their records, for instance to see if the child and/or a sibling was referred previously, or if an adult in the household had previous contact with the child protection services. It also assists social workers prioritise cases for attention, as they are not in a position to respond immediately to all cases but will always do so where a child is in immediate danger or at high risk of harm. It will also help the Agency to decide if another service would be more appropriate to help meet the needs of the child, i.e. a community or family support service rather than a social work service.

2.10 Summary Steps to be taken by the Child Protection Liaison Officer

2.10.1 When the designated Child Protection Liaison Officer receives a report about suspected or actual child abuse, they shall consider whether there are reasonable grounds for reporting it to Tusla.
2.10.2 Clarify or gain more information from the person reporting the concern about the matter. Recording and treating the information as confidential
2.10.3 Where there is any doubt or uncertainty, consult informally initially with Tusla;
2.10.4 Make a formal referral to Tusla;
2.10.5 Report to An Garda Síochána if an emergency situation;

2.11 Where reasonable grounds exist for the reporting of suspected or actual child abuse a report shall be made to Tusla in person, by telephone or in writing by the Child Protection Liaison Officer. Reports may be made to Tusla Duty Social Worker Department or directly to the social worker.



2.12 A Standard Form for Reporting Child Protection and/or Welfare Concerns is available in Appendix II and from Tusla website (www.tusla.ie) and should be used for reporting suspected child abuse to Tusla or An Garda Síochána. If a report is made by phone or in person, this form should be completed and forwarded subsequently to Tusla.

2.13 Where decisions are made not to report a Concern

If the Designated Liaison Person decides **not** to report a concern to Tusla, the following steps should be taken:

2.13.1 The reasons for not reporting are to be recorded.
2.13.2 If any actions are taken as a result of the concern, these should be recorded.
2.13.3 The employee or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla.
2.13.4 The employee or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

2.14 Anonymous Reports

2.14.1 While it is possible to report a concern without giving a name, however it may make it difficult for Tusla to assess the concerns.

It should be noted that it is not possible for mandated persons to submit a report of a mandated concern anonymously as to do so does not discharge the statutory obligations for a mandated person under the Act.

2.15 Designated Child Protection Liaison Officers and Mandated Persons

2.15.1 It is important to note that the statutory obligation of mandated persons to report under the Children First Act 2015 **must be discharged by the individual who has the role of mandated person** and cannot be discharged by the DLP on their behalf.

2.15.2 Some Designated Child Protection Liaison Officers (DLP) will themselves be mandated persons under the Children First Act 2015 and the statutory obligations of the mandated person under the Children First Act, 2015 will apply. In this case, if the Designated Child Protection Liaison Officers is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting which have been set out in the Act, then they will have



a statutory obligation to make a report to Tusla arising from their role as a mandated person.

2.15.3 While mandated persons have statutory obligations regarding reporting, they may make a report jointly with another person, whether the other person is a mandated person or not. In effect this means that a mandated person can make a joint report with a Designated Child Protection Liaison Officer.

The procedure for reporting a concern is as follows:

Reporting Procedures for Suspected / Disclosed Abuse

Employee / volunteer has a concern or suspicion

↓

Inform the Designated Child Protection Liaison Officer (**In the event of an emergency or thenon-availability of the Child Protection Person, the report should be made directly to Tusla and/or An Garda Síochána**)

↓

Designated Child Protection Liaison Officer to consult / inform Child and Family Agency

↓

Designated Child Protection Liaison Officer to inform parent(s) / guardian(s) if making a report **unless doing so would endanger the child or undermine the investigation**

↓

Designated Child Protection Liaison Officer to report to An Garda Síochána if unable to reach social worker – i.e. during an emergency or during out of hours.

All concerns reported, actions taken, and outcomes should be recorded by the Designated Child Protection Liaison Officer in line with Data Protection Act, 2003.

2.16 Who are Mandated Persons

2.16.1 Mandated persons are people who have ongoing contact with children and/or families who by virtue of their qualifications, training and experience are in a



key position to help protect children from harm (see Appendix V and for definition Appendix VII).

2.16.2 A full list of employees who are classified as mandated persons under the Act can be found in Appendix IV.

2.17 Legal Obligations of a mandated person

2.17.1 Mandated persons have two main legal obligations under the Children First Act 2015;

1. to report harm of children above a defined threshold to Tusla, and
2. to assist the Agency, if requested, in assessing a concern which has been the subject of a mandated report.

2.17.2 Section 14 (1) of the Children First Act 2015 states:
"where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that they have received, acquired or becomes aware of in the course of their employment or profession as such a mandated person, that a child –

(a) **has been harmed,**
(b) **is being harmed, or**
(c) **is at risk of being harmed,**

they shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency."

2.17.3 The Children First Act 2015 section 14 (2) also places obligations on mandated persons to report any disclosures made by a child:

"Where a child believes that they –

(a) **have been harmed,**
(b) **are being harmed, or**
(c) **are at risk of being harmed,**

and discloses this belief to a mandated person in the course of a mandated person's employment or profession as such a person, the mandated person shall, […] as soon as practicable, report that disclosure to the Agency."

2.18 Reporting Mandated Concerns



2.18.1 **Criteria for reporting: definitions and thresholds**

The legislation states that mandated persons are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in Appendix I. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

2.18.2 A mandated person who has a concern about a child should make a decision as to whether the concern meets the threshold for a mandated report under the Act. Where satisfied that this threshold is reached, the mandated person should clearly identify on the report that it is a mandated report made under the Children First Act 2015. Concerns that do not reach the threshold for mandated reporting should still be reported as a standard report under Children First National Guidance 2017 if they constitute a reasonable concern about the welfare or protection of a child.

2.18.3 If the mandated person is in doubt about whether the concern reaches the legal definition of harm for the purpose of making a mandated report Tusla can provide advice in this regard. Details of who to contact in this regard can be found on the Agency website.

2.19 Disclosures of abuse from a child or young person

2.19.1 Mandated persons who receive a disclosure of harm from a child, which is above the thresholds set out in the Children First National Guidance 2017 are required to make a mandated report of the concern to the Agency. **Mandated persons are not required to judge the veracity of the claims or the credibility of the child.**

2.19.2 The reporting requirements under the Children First Act 2015 apply only to information that a mandated person has received or become aware of since the Act came into force, irrespective of whether the harm occurred before or after the commencement of the section on mandated reporting. However, reasonable concerns about past abuse where information came to the attention of the professional prior to the Act and there is a possible continuing risk to children can be reported to the Agency under the Children First National Guidance 2017.

2.20 Exemptions from requirements to report



2.20.1 The exceptions from requirements to report are outlined in the National Guidance Children First 2017.

2.21 Concerns developed outside of professional duties

2.21.1 The legal obligation to report under the Act applies to information that a mandated person acquires in the course of their profession or employment. It does not apply to information acquired outside their work, or information given to them in respect of a personal rather than a professional relationship. While the legal obligation to report only arises in relation to employment or professional duties, professionals should comply with the requirement of the Children First guidance 2017 to report all reasonable concerns to the Agency.

2.22 Making a mandated report

2.22.1 Section 14 of the Children First Act 2015 states that mandated persons are required to make a written report "as soon as practicable" to Tusla. A report of a concern should be submitted to the Agency using the required report form on which it should be indicated that the person making the report is a mandated person and that the report is in relation to a mandated concern. Mandated persons should include as much relevant information as possible in the report of the concern as to do so will facilitate effective and early intervention for the child and will reduce the likelihood of the Agency needing to contact the person making the report for further information. The report form can be found on the Agency's website (www.tusla.ie) and is located in Appendix V.

2.22.2 The Children First Act 2015 requires Tusla to appoint authorised persons to receive mandated reports. The Report Form can be submitted to the Agency electronically by emailing the authorised persons using the contact details on the Agency website. All mandated reports received by an Agency authorised person on a completed Report Form will receive a formal acknowledgement of receipt by the Agency. Mandated persons should be aware that Tusla may not be able to provide feedback on the outcome of the case. However, the information which has been provided will be carefully considered with any other information available to Tusla, and a child protection assessment will proceed if sufficient risk is identified. Further detail on how the Agency deals with concerns they receive can be found in the Children First Guidance.

2.22.3 Mandated persons are not required to report the same concern on more than one occasion. However, if a mandated person becomes aware of any **additional information** a further report should be made. In addition, a mandated person is not required to make a report where the sole basis for their knowledge,



belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla in respect of the child concerned.

2.23 Reporting in an emergency situation

2.23.1 In an emergency situation, where a mandated person knows or has reasonable grounds to suspect that a child may be at risk of immediate harm and needs to be removed to a place of safety, Tusla should be contacted immediately. The details of how to contact the Agency, both during and outside of office hours can be found on the Agency's website (see Appendix III). If the child needs immediate intervention and it is not possible to contact the Agency, you should contact the Gardaí. Where an emergency report is made, mandated persons must submit a formal written mandated report to the Agency within three days.

2.24 Joint reporting

2.24.1 Mandated persons may make a report jointly with any other person, whether that other person is mandated or not. For example, this could arise in situations where a child is admitted to A&E.

2.25 Informing the family that a report is being made

2.25.1 The Children First Act 2015 does not require mandated persons to inform the family that a report under the legislation is being made to the Agency. However, it is good practice to do so and a mandated person should tell the family that a report is being made and the reasons for the decision.

2.25.2 It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so it may place the person making the report at risk of harm from the family.

2.26 Informing the Designated Child Protection Liaison Officer

2.26.1 Designated Child Protection Liaison Officers are responsible for ensuring that reporting procedures are followed correctly and promptly, and they act as liaison person with other agencies. Any mandated person(s) is required to inform the Designated Child Protection Liaison Officer or Deputy if a mandated report has been made and to provide a copy of the report. Mandated persons should be familiar with and adhere to any such requirements.



2.26.2 Mandated persons have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla. **Mandated persons should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with them and not with the Designated Child Protection Liaison Officer.** However, there is nothing in the Act to prevent mandated persons from either making a mandated report jointly with a Designated Child Protection Liaison Officer or providing a copy of the mandated report they have submitted to the Agency for the information of the DLP.

2.27 Consequences of non-reporting for Mandated Persons

2.27.1 The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are potential consequences for a failure to report (as outlined in Children First National Guidance).

2.28 Sharing information

2.28.1 The Data Protection Acts do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of the protection of children. This is in compliance with the principles of data protection.

2.28.2 Section 17 of the Children First Act, 2015 provides that it is an offence for a mandated person to disclose information to a third party which has been shared by Tusla during the course of an assessment unless the Agency has given the mandated person written authorisation to do so. A person who fails to comply with this section is liable to a class A fine or imprisonment for a term not exceeding 6 months or both.

2.29 Protection from civil liability

2.29.1 Mandated persons who are required to share information with Tusla in order to assist in the assessment of risk are protected from civil liability. Section 16 (3) of the Act states:

"**If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings**."



2.30 Training for Mandated Persons

2.30.1 Tusla provides information resources on Children First guidance and legislation, including an e-learning module. This e-learning module, which is called **Introduction to Children First**, covers recognising and reporting child abuse, the role of mandated persons, including mandated assisting, and the responsibilities of organisations working with children to safeguard children using their services. Information on how you can access the e-learning module can be found on the Tusla website (www.tusla.ie).

2.30.2 Information is also available on the Tusla website to assist in developing other specific Children First Training (Tusla Children First – Best Practice Principles for Organisations in Developing Children First Training Programmes). It is the responsibility of each organisation to ensure that its staff and volunteers receive adequate and appropriate child welfare and protection training to meet their child protection obligations under the Act.



Section 3

Addressing Complaints/Allegations of Child Abuse

3. Child Protection/Safeguarding Allegations against an Employee or Volunteer

3.1 Where an allegation of abuse of a child is made against an employee or volunteer the reporting procedure to the Statutory Authorities must be dealt with and managed by the Council, guided by the Council's Child Protection Liaison Officer(s) as outlined under Children First: National Guidelines for the Protection and Welfare of Children *2017.*

3.2 It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities. Dublin City Council is required to take any necessary protective measures that are proportionate to the level of risk and will balance its obligations to its employee with its obligations in respect of the best interests of children.

3.3 When an allegation of Child Abuse is made against an employee or volunteer, the following procedure shall be followed:

(i) The Designated Child Protection Liaison Officer should be informed of the allegation;

(ii) The Designated Child Protection Liaison Officer should inform the Director of Corporate Services (Human Resources) and the HR Officer of the allegation;

(iii) The Designated Child Protection Liaison Officer should follow the Standard Reporting Procedure to Tusla (TUSLA).

(iv) The employee/volunteer should be informed, in confidence, that an allegation has been made against him/her, the nature of the allegation and their response should be noted and passed on to TUSLA;

(v) The key priority should be to ensure that no child is exposed to unnecessary risk. Dublin city Council shall as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk.



(vi) The action to be taken by Human Resources should be guided by the agreed internal procedures i.e. Council's Grievance and Disciplinary Procedures, the applicable employment contract and the rules of natural justice, where appropriate;

(vii) The City Chief Executive should be informed as soon as possible of the allegation by the Director Corporate Services /Head of Human Resources.

3.4 Employees/volunteer's may be subjected to erroneous or malicious allegations. Therefore, any allegation of abuse shall be dealt with sensitively and support will be offered to employees/volunteers via the Council's Staff Support team.



Section 4

4. Procedure for a Provider of a 'Relevant Service'[2]/Contractor Engaged by the local authority through the provision of resources

4.1 It is the responsibility of each Provider of a 'Relevant Service'/Contractor supported by the local authority through the provision of resources to undertake an assessment of any potential for harm to a child while providing the service.

4.2 It is the responsibility of each Provider of a 'Relevant Service'/Contractor, engaged by the local authority for the provision of resources, to confirm they have a written Child Safeguarding Statement in place specifying the service being provided and outlining the procedures that are in place to;

4.2.1 manage any child safeguarding risk identified;
4.2.2 investigate an allegation against any staff member about any act, omission or circumstance in respect of a child availing of the service;
4.2.3 select and recruit staff who are suitable to work with children;
4.2.4 provide information and training to employees on child protection and safeguarding issues;
4.2.5 enable employees/ volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister;
4.2.6 maintain a list of persons in the organization who are mandated persons under the Act;
4.2.7 appoint a relevant person in the organization for the purposes of the Act.

4.3 The Service Specific Child Safeguarding Statement should provide an overview of the measures that the service has in place to ensure that children are protected from harm.

4.4 The Provider of a 'Relevant Service'/Contractor supported by the local authority through the provision of resources should also have in place appropriate child protection policies and procedures.

4.5 The Council shall seek a signed declaration from the provider of a 'Relevant Service'/Contractor supported by the local authority through the provision of resources,

[2] See Children First Act, 2015. Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,



that they have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance.

4.6 The signed declaration should confirm the undertaking of a risk assessment and preparation of a Child Safeguarding Statement, and that the Provider/Contractor agrees to follow the guidelines on procedures and practices contained within.

4.7 The signed declaration should confirm that a vetting disclosure has been received in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e. any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults.



Appendix I - Types of child abuse and how they may be recognised

Child abuse can be categorised into four main types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, it should be considered a child welfare and protection issue for both children and child protection procedures should be adhered to for both the victim and the alleged abuser.

The important factor in determining whether behaviour constitutes abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

In the Children First: National Guidance 2017, 'a child' means a person under the age of 18 years, excluding a person who is or has been married.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Child neglect is the most frequent category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. These factors include the extent, if any, of positive influence in the child's life, as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with, but not necessarily caused by, poverty. It is strongly linked with parental substance misuse, domestic violence and parental mental illness and disability.

Neglect, including serious neglect, may be apparent immediately and on the basis of one engagement. An example is a child who is seriously underweight (without a medical condition) and has persistent hair and skin infections from poor hygiene. This condition is not the result of a one-off lapse on the part of a parent.

Other forms of neglect may only emerge over time as a pattern emerges. For example, a child who suffers a series of ongoing minor injuries may not be having their needs met in terms of necessary supervision and safety. A child who consistently misses school may be being deprived of intellectual stimulation or adequate supervision.



A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer.

The following are features of child neglect:

- children being left alone without adequate care and supervision;
- malnourishment, lacking food, unsuitable food or erratic feeding;
- non-organic failure to thrive, i.e. child not gaining weight due not only to malnutrition but also to emotional deprivation;
- failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation;
- inadequate living conditions – unhygienic conditions, environmental issues, including lack of appropriate heating and furniture;
- lack of adequate clothing;
- inattention to basic hygiene;
- lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age;
- persistent failure to attend school;
- abandonment or desertion.

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- rejection;
- lack of comfort and love;
- lack of attachment;
- lack of proper stimulation (for example fun and play);
- lack of continuity of care (for example frequent moves, particularly unplanned);
- continuous lack of praise and encouragement;
- persistent criticism, sarcasm, hostility or blaming of the child;
- bullying;



- conditional parenting in which care or affection of a child is made contingent on their behaviours or actions;
- extreme over-protectiveness;
- inappropriate non-physical punishment (for example locking child in bedroom);
- ongoing family conflicts and family violence;
- seriously inappropriate expectations of a child relative to their age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- female genital mutilation.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult. There has been no change to the reporting requirements in relation to corporal punishment.



Sexual abuse

Sexual abuse occurs when a child is used by another person for their gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and, in some instances, occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse principally come to light through disclosure by the child or his or her siblings/friends; from the suspicions of an adult and/or by physical symptoms.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation and the prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal; however, it may not necessarily be regarded as child sexual abuse.

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyber bullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the Internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable such as children with disabilities or special educational needs, those from ethnic minority and migrant groups, from the Traveller community, lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT and children of minority religious faiths.

There can be an increased vulnerability to bullying amongst children with special educational needs and particularly those who do not understand social cues and/or have difficulty communicating. Some



children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards are required to have a code of behaviour and an anti-bullying policy in place. School personnel should be aware of their school's anti-bullying policy and of the relevant procedural guidelines.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a referral may need to be made to the Children and Family Agency and/or An Garda Síochána.



Appendix II

TUSLA Standard Report Form (taken from Children First National Guidance 2017).

(A word version of this document may be downloaded from the Tusla website)

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.
Fields marked with an * are mandatory.

1. Tusla Area (this is where the child resides)*	

2. Date of Report*	

3. Details of Child

First Name*		Surname*	
Male*	☐	Female*	☐
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see ***'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns'*** **for additional assistance on the steps to consider in making a report to Tusla**

5. Type of Concern

Child Welfare Concern	☐		
Emotional Abuse	☐	Physical Abuse	☐
Neglect	☐	Sexual Abuse	☐

6. Details of Reporter

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	



TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	☐	No	☐	
Mandated Person's Type					

7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	☐	No	☐
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Is the Mother a Legal Guardian?*	Yes	☐	No	☐

Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			



TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	☐	No	☐

10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	☐	Female*	☐
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	☐	Female*	☐
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	



TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.
Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by					
First Name		Surname		Date	

Mandated Report Acknowledgement by



TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS

(Children First Act 2015 & Children First National Guidance)

First Name		Surname		Date Sent	

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	☐	No	☐
Allocated Case No				



Appendix III

Contact Details TUSLA Social Work Teams

www.tusla.ie/get-in-touch/duty-social-work-teams/

TUSLA AREA	ADDRESS	TELEPHONE NUMBER
Dublin South central	Child and Family Agency, Bridge House, Cherry Orchard Hospital, Dublin 10	076 6955749
Dublin North City	Child and Family Agency, Wellmount Health Centre, Wellmount Park, Finglas, Dublin 11	01 8567704
Dublin North	Child and Family Agency, 180- 189 Lakeshore Drive, Airside Business Park, Swords Co. Dublin	01 8708000
Dublin South East	Child and Family Agency, Unit 9, Nutgrove Retail Park, Churchtown Dublin 14.	01 9213400
Dublin South West	Child and Family Agency, Saint Mary's, Craddockstown Road, Naas, County Kildare OR Child and Family Agency, Social Work Department, Chamber House, Chamber Square, Tallaght Dunlin 24	



Appendix IV

Schedule of Mandated Persons

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.

2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.

3. Physiotherapist registered in the register of members of that profession.

4. Speech and language therapist registered in the register of members of that profession.

5. Occupational therapist registered in the register of members of that profession.

6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.

7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.

8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.

9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.

10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).

11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.

12. Teacher registered with the Teaching Council.

13. Member of An Garda Síochána.

14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.

15. Person employed in any of the following capacities:



(a) manager of domestic violence shelter;
(b) manager of homeless provision or emergency accommodation facility;
(c) manager of asylum seeker accommodation (direct provision) centre;
(d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
(e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
(f) manager of a language school or other recreational school where children reside away from home;
(g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
(h) director of any institution where a child is detained by an order of a court;
(i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
(j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
(k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16. Youth worker who—
(a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
(b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

The Mandated Persons Incident Report Form can be found in Appendix II.



Appendix V– Relevant Services (Schedule 1 of the Children First Act, 2015)

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

(a) an establishment which provides early years' services within the meaning of Part VIIA of the Child Care Act 1991,

(b) a school or centre of education, both within the meaning of the Education Act 1998,

(c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,

(d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,

(e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,

(f) a children detention school within the meaning of section 3 of the Children Act 2001,

(g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or

(h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.

2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.

3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.

4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.

5. Any work or activity which consists of the provision of—

(a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,

(b) care or supervision of children, or

(c) formal consultation with, or formal participation by, a child in respect of matters that affect their life, whether or not for commercial or any other consideration.

6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.



7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs, which would or could bring that minister, priest or other person, as the case may be, into contact with a child.

8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.

9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.



Appendix VI - Definitions

1. Child:

1.1 Person who has not attain 18 years of age, excluding a person who is or has been married (Child Care Act, 1991).

Child Safeguarding

A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service.

2. Employee

2.1 Any person who works for a local authority under a contract for employment. This contract maybe expressed or implied and be oral or in writing. An employee may be employed full time or part time or in a temporary capacity.

(How to Develop & Implement a Safety & Health Management System: Local Government Sector Guidance Document LGMA 2007)

'Contract of Employment':

Contract of Employment is a contract of service or apprenticeship, or any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), whether the contract is express or implied and, if express, whether it is oral or in writing.

3. Mandated Person

3.1 "Mandated Person" means a person who is a person specified in Schedule 2 of the Children First Act, 2015 (Appendix V).

3.2 Relevant Employees of Dublin City Council may include;

(a) Social Care Worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.



(b) Social Worker who practises as such who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.

(c) Youth Worker who –

(i) holds a professional qualification that is recognised by the National Qualifications Authority in Youth Work within the meaning of Section 3 of the Youth Work Act 2001 or related discipline, and

(ii) is employed in a Youth Work Service within the meaning of Section 2 of the Youth Work Act 2001.

4. Provider

4.1 "Provider" means, in relation to a relevant service, a person

(a) who owns, controls or manages the service, or is otherwise responsible for the running of that service, and

(b) who, in respect of the provision of such relevant service –

(i) employs (whether under contract of employment or otherwise) one or more than other person to undertake any work or activity that constitutes a relevant service,

(ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or

(iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service.

4.2 'Relevant Service' as defined Children First Act, 2015

4.2.1 Any relevant work or activity which consists of the provision of – (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children (Appendix VI)

4.3 Contractor

4.3.1 "Contractor" means, a person(s) who is not a direct employee and provides a service on behalf of the local authority. The contractor can be an employer or a self-employed person. The service provided can be once off or provided on a long-term basis.

5. Concern



5.1 "A "concern" within the context of this policy is defined as the knowledge or suspicion that a child is at risk of or has been subjected to abuse or neglect. Such concerns should be supported by evidence or indicators of abuse and/or neglect."

6. Volunteer

6.1 Any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.

(Volunteering UK).

7. Funded/Community Groups

7.1 Funded/Community Groups in the context of local authority service implies:

(a) a person or a group of persons, with the consent of a Local Authority, carrying out a service for a local authority. The Local Authority may provide materials, equipment funding and the services of its employees to a person or group carrying out such services.

(b) a person or a group of persons that carries out a community initiative/activity that is grant aided or otherwise supported or assisted by the local authority.

