

GUIDANCE 12

SHORT GUIDE TO MANDATORY REPORTING AND ASSISTING

WHAT IS MANDATORY REPORTING?

The Children First Act places a legal obligation on certain persons, known as mandated persons, to report child protection concerns at or above a defined threshold to Tusla (the Child and Family Agency). The reporting requirements apply to information that you, as a mandated person, received or became aware of since the Act came into force on the 11 December 2017. If you have a reasonable concern about abuse prior to this date, and there is a possibility of continuing risk to a child, you should report this to Tusla under Children First National Guidance 2017.

WHO ARE MANDATED PERSONS?

Mandated persons are people who have contact with children, families, or parents/carers in the course of their employment or profession, and who, because of their role, qualifications, or training are in a key position to help protect children from harm. Mandated persons include employees or professionals working in the areas of health, education, justice, youth, and childcare. This includes members of the clergy, pastoral care workers and safeguarding or child protection officers employed by a religious body or organisation. A full list of mandated persons is contained in Schedule 2 of the Children First Act.

WHAT ARE THE OBLIGATIONS OF MANDATED PERSONS?

Mandated persons are required by law to:

- a. Report the harm of children above a defined threshold to Tusla; and
- b. Assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

WHAT MUST BE REPORTED?

Mandated persons must report any knowledge, belief, or reasonable suspicion that a child has been, is being, or is at risk of being harmed. This includes retrospective disclosures of abuse, where adults disclose that they were abused as children. The Children First Act defines 'harm' as assault, ill treatment, or neglect of a child in a manner that seriously affects, or is likely to seriously affect, the child's health, development, or welfare; or any instance of sexual abuse of a child. Children First National Guidance outlines four categories of child abuse as follows:

1. **Physical Abuse** is when someone deliberately hurts a child or puts them at risk of being hurt.
2. **Emotional Abuse** is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a parent or guardian and a child.
3. **Sexual Abuse** occurs when a child is used by another person for his or her gratification or arousal or for that of others.
4. **Neglect** occurs where a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally.

If your concern does not reach the threshold for mandated reporting, but you still have reasonable grounds for concern about the welfare or protection of a child, you should report that concern to Tusla, but do not tick the 'mandated report' box on the report form. As a mandated person, you should be aware that the legal obligation to report mandated concerns rests with you and no one else. However, you may make a report jointly with any other person who has concerns about the same child, or with the Designated Liaison Person (DLP) for your service. Where you are making a joint report, you must sign and tick the 'mandated report' box on the report form.

HOW DO I REPORT?

Reports should be submitted using **Tusla's reporting portal** or, where this is not available to you, by post to the Tusla Social Work offices in the area where the child lives. The addresses of all the Tusla Social Work offices can be found at www.tusla.ie.

WHERE THERE IS IMMEDIATE OR SERIOUS RISK

Contact should be made by phone with a Tusla Duty Social Worker without delay. Mandated persons may report a concern to Tusla's out-of-hours social work service by phone between 6pm and 6am every night; and between 9am and 5pm on Saturdays, Sundays, and bank holidays on 0818 776 315. The report form should be submitted to Tusla as soon as practicable thereafter, and no later than three days.

IS THERE ANYONE ELSE THAT I NEED TO NOTIFY?

Yes, any child protection concern that relates to the Franciscan Province of Ireland, its activities, or related ministerial personnel, must be reported to the Director of Safeguarding/Franciscan DLP as soon as possible details below.

WHAT IS MANDATED ASSISTING?

Tusla may request assistance from any mandated person when assessing a concern which has been the subject of a mandated report, regardless of who made the report. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or to attend a meeting.

WHERE CAN I GO FOR ADVICE OR ASSISTANCE?

The Director of Safeguarding/DLP for the Franciscan Province of Ireland provides advice and support in deciding what needs to be reported and in submitting reports. You can also contact your local Tusla Social Work Office and ask to speak with the Duty Social Worker.

The DLP for the Franciscan Province of Ireland is contactable @:

Mobile Number – 085 800 5685

Email – dlp@franciscans.ie