

Child Protection Policy
Glengarriff Theatre Group
CHILD PROTECTION POLICY – 1/6/23

Glengarriff Theatre Group (GTG) believes that the best interests of children and young people attending our group is paramount.

We provide the following activities to children and young people:

- Preparation classes for the production of our pantomime every year.
- Youth Theatre Group – classes and productions.

Our guiding principles are underpinned by Children First: National Guidance for the Protection and Welfare of Children, Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child and current legislation such as the Children First Act 2015, Child Care Act 1991, Protections for Persons Reporting Child Abuse Act 1998, and the National Vetting Bureau Act 2012.

Our guiding principles apply to our committee, all volunteers, and paid facilitators within our Organisation. All committee members, facilitators, volunteers and students must sign up to and abide by these guiding principles and our child safeguarding procedures. We will review our guiding principles and child safeguarding procedures every two years or sooner if necessary due to service issues or changes in legislation or national policy. Our Designated Liaison Person is Rhonda Evans. Our Deputy Designated Liaison Person is Aisling Cotter.

GTG strives to deliver creative experiences in drama, music and dance that promotes artistic, personal and social development of young people aged 4 to 18 years old.

We believe that:

- a) Our priority to ensure the welfare and safety of every child and young person who attends our group is paramount.
- b) Our guiding principles and procedures to safeguard children and young people reflect national policy and legislation and we will review our guiding principles and child safeguarding procedures every two years.
- c) GTG is open to all young people from Glengarriff and all surrounding areas regardless of race, ethnicity, gender, social-economic status, nationality, origin, sexual orientation, ability or faith.
- d) We are committed to upholding the rights of every child and young person who attends our group, including the rights to be kept safe and protected from harm, listened to and heard.
- e) Our guiding principles apply to everyone in our organisation.
- f) Committee members, volunteers and students must conduct themselves in a way that reflects the principles of our organisation.

DEALING WITH CHILD PROTECTION AND WELFARE CONCERNS

DESIGNATED LIASON PERSON

Children First requires that every organisation providing services to children appoint a Designated Liaison Person (DLP)/relevant person for reporting neglect or abuse. The DLP (relevant person) is responsible for dealing with child protection and welfare concerns in accordance with Children First 2015 and is appointed by the committee. The Deputy DLP will be appointed by the committee of Glengarriff Theatre Group to undertake the below duties when the DLP is on leave or is unavailable for a long period of time.

Identity of Designated Liaison Person (Relevant Person)

Glengarriff Theatre Groups' nominated Designated Liaison Person is Rhonda Evans and the Deputy Designated Liaison Persons is Aisling Cotter.

Role of the Designated Liaison Person (Relevant Person)

The Designated Liaison Person in GTG has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented.

The role of the Designated Liaison Person (Relevant Person) involves the following duties:

- Be fully familiar with your organisation's duties in relation to the safeguarding of children.
- Have good knowledge of GTG's guiding principles and child safeguarding procedures.
- Ensure that GTG's reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Consult informally with a Tusla Duty Social Worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their GTG, using the Child Protection and Welfare Report Form.
- Inform the child's parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, unless:

--Informing the parents/guardians is likely to endanger the child or young person;

--Informing the parents/guardians may place you as the reporter at risk of harm from the family;

--The family's knowledge of the report could impair Tusla's ability to carry out an assessment.

-- Record all concerns or allegations of child abuse brought to your attention as well as any action/inaction taken in response to these concerns.

--Provide feedback to the referrer, as appropriate.

--Ensure that a secure system is in place to manage confidential records.

-- Act as a liaison with Tusla and An Garda Síochána, as appropriate.

--Where requested, jointly report with a mandated person.

MANDATED PERSONS

A list of mandated persons is maintained by GTG and each of these individuals has received Child Protection training and is aware of their legal obligations under the Children's First Act 2015.

All mandated persons in the service, 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. These reports will be made in line with the procedures in this policy. These mandated persons must also assist Tusla, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report.

All committee members, volunteers, students and facilitators of GTG, will be made aware of and be familiar with this child protection policy and safeguarding statement through an in-house induction and on-going training.

All committee members, volunteers, students and facilitators of GTG will sign up to the overall child protection policy and safeguarding statement of GTG. The Designated Liaison Person acts as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. All staff that are mandated persons also have an obligation to report, child protection concerns at or above a defined threshold to Tusla - Child and Family Agency.

Mandated Persons:

1. _____
2. _____
3. _____
4. _____
5. _____

REPORTING PROCEDURE FOR DEALING WITH DISCLOSURES, CONCERNS OR ALLEGATIONS OF CHILD ABUSE

DEFINITIONS OF CHILD ABUSE

Child abuse is complicated and can take different forms, but usually consists of one or more of the following signs and symptoms:

Neglect can be defined in terms of an omission where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and or medical care. "The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected". "Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may

be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation”.

Emotional abuse is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning e.g. 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour.

Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- emotional unavailability of the Child's parent/carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way;
- under- or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of the parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair pulling
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- allowing or creating a substantial risk of significant harm to a child.

Sexual abuse occurs when “a child is used by another person for his or her gratification or sexual arousal or for that of others”.

Examples of child sexual abuse include:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of the sexual arousal or gratification;
- masturbation in the presence of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal,
- sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse;
- Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse. It should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

Reckless Endangerment is when a person having authority or control over a child or an abuser, who intentionally or recklessly endangers a child by-

- a) Causing or permitting any 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
- b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence’.
- c) The above are some of the examples of abuse for more information see section 2 of Children First.

How to Make a Report

All committee, volunteers’ facilitators and students (included Mandated Persons) at GTG will follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected.

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they will speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act 2015 (**appendix 1.**)
- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on www.tusla.ie) to Tusla:
 - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting

- Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.

- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern, they will contact Tusla Duty Social Work for advice and guidance using the informal consultation process.
- Under no circumstances will a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.

Contact Details: 028 40447

Tusla Duty Social Work Team: West Cork Social Work Department, Coolnagarrane, Skibberreen, County Cork

An Garda Síochána: Bantry Garda Station, The Quay, Bantry, County Cork. R75 R266.

Tel. no: 027 20860

- In addition to a report to Tusla, **if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or DLP as appropriate.**
- The committee will be informed when a report is made to Tusla under this policy. In accordance with the Confidentiality Policy identifying information about the child and family is only shared with them on a need-to-know basis.

REPORTING PROCEDURES – MANDATED PERSONS

- Under the Children First Act 2015 Mandated Persons are legally 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 to Tusla.
- Mandated Persons will bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay (as above).
- If the child protection concern reaches the threshold for harm as defined in the Children First Act 2015 it is a mandated report. **See** Appendix 1. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person (who raised the concern) and the DLP, using the Child Protection and Welfare Report Form (available on www.tusla.ie). The form must clearly indicate that the report is a Mandated Report.
- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- The statutory obligation of Mandated Persons to report under the Children First Act 2015 **must be discharged by the Mandated Person** and cannot be discharged by the DLP on their behalf. Mandated Persons can, however, report jointly with another person.

- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the Children First Act 2015 advice and guidance will be sought through informal consultation with Tusla Duty Social Work.
- If a child protection concern does not meet the criteria for a mandated report, it may meet 'reasonable grounds for concern' for a report to Tusla and this possibility must be considered. If 'reasonable grounds for concern' exist a report to Tusla will be made by the DLP.
- The Mandated Person may submit the report to Tusla solely, however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.

How to Handle a Report of Abuse by a Child / Young Person

In the event of a child / young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the person involved. In such circumstances, the person will:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person that they have taken the right action in talking to you;
- Do NOT promise to keep anything secret;
- Ask questions for clarification only. Do not ask leading questions, this is not an interview, but rather receiving a disclosure from a child;
- Check back with the child/young person that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the child/young person understands the procedures which will follow;
- Pass the information to the Designated Liaison Person do not attempt to deal with the problem alone;
- Treat the information confidentially.

Retrospective Disclosures by Adults

Parents and persons who are working with children and young adults or who attend child protection training may disclose abuse which took place during their childhood. A disclosure of abuse by an adult which took place during their childhood must be noted or recorded.

In these cases, it is essential that consideration is given to the current risk to any child who may be in contact. If any risk is deemed to exist to any child who may be in contact with the alleged abuser, a report of the allegation will be made to Tusla without delay. Investigation of disclosures by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse.

An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the Designated Liaison Person will report the allegation to Tusla without delay.

The HSE **National Counselling Service** is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see www.hse-ncs.ie/en). The service can be accessed either through healthcare professionals or by way of self-referral.

Protections for Persons Reporting Child Abuse Act, 1998*

GTG wish to draw the attention of the staff and volunteers to this Act Protection for Persons Reporting Child Abuse Act 1998, provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to Tusla or An Garda Síochána. Section 3(1) of the Act states:

“A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that—

- a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- a child's health, development or welfare has been or is being avoidably impaired or neglected,

unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person”.

This protection applies to childcare services and to individuals.

INFORMING PARENTS ABOUT CHILD PROTECTION AND WELFARE CONCERNS

Members, volunteers or students of GTG may feel uncomfortable approaching a parent about a concern. You may have to discuss a concern about the welfare or protection of a child/young person or an issue which relates to the child/young person’s developmental needs. The following best practice tips may be useful:

- Make sure parents/guardians have prior awareness of your guiding principles, procedures and duties to safeguard children.
- Be straightforward and clearly explain the nature of the concern or issue, e.g. by using facts and records of observations made.
- Think about the time and place to have the conversation. Find a time when parents/guardians are not in a hurry.
- Find a place that is quiet and allows privacy.
- Consider arranging to meet parents/guardians.

- Consider who is the best person/who are the best people to have the conversation with the parents/guardians.
- Use a calm and gentle tone, consider the language used.
- Start with positive comments and observations about the child/young person. Ensure that the parents/guardians know that you care about the welfare of their child and recognise their strengths.
- Refer to how the situation may be affecting the child/young person.
- Start with positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times.
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings.
- Take the approach that you are working together to address any issues in the best interests of the child/young person.
- Don't blame, don't get defensive and don't take things personally.
- Ensure that you are supportive but also address the issue.
- Refer to your guiding principles and child safeguarding procedures for support.
- Offer possible solutions, where appropriate.
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate. Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with the DLP or Tusla duty social worker.
- Remember if a report needs to be made to Tusla, do not delay.

CONFIDENTIALLY

In matters of child abuse, all members, volunteers or students of GTG will never promise to keep secret any information which is divulged by a child. It will be explained to the child/young person that this information cannot be kept secret but only those who need to know in order to safeguard the child, will be told.

When reporting any case of alleged/suspected abuse the principle of confidentiality applies. The information will only be shared on a 'need to know' basis which means sharing information with persons who have a need to know in order to safeguard a child/young person and is not a breach of confidentiality and the number of people that need to be informed will be kept to a minimum.

If a member, volunteer or student of GTG has any doubt as to whether a report should be made, he/she will consult with the Designated Liaison Person.

RECORD KEEPING

Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by GTG's Designated Liaison Person. Information will include, details of the concern, who raised it, who was contacted, details about informal consultation, any action taken, details about informing parents. If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made. Records relating to child protection and welfare issues will be kept indefinitely.

Children First: National Guidance for the Protection and Welfare of Children states that if a Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting are to be recorded;
- If any actions are taken as a result of the concern, these should be recorded;
- The worker 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;
- The worker 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.

The worker or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the Protections for Persons Reporting Child Abuse Act 1998.

Records should be factual and include details of contacts, consultations and any actions taken. Key points when maintaining child protection records:

- All agencies dealing with children must cooperate in the sharing of records with Tusla where a child protection or welfare issue arises. An example of this could be information needed for a Child Protection Conference or Strategy Meeting or information important for the assessment of risk to a child (see the Key Practice Point on mandated assisting earlier in this section).
- Ensure that records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation.
- Records should only be used for the purpose for which they are intended.
- Records should only be shared on a need-to-know basis in the best interests of the child/young person.
- Child protection records should be updated as required and reviewed regularly by the Designated Liaison Person.

GUIDELINES FOR MANAGEMENT OF MEMBERS AND VOLUNTEERS

All volunteers and committee members will undergo the TUSLA e-learning program as part of the induction process, which includes induction on Child Protection Policy.

All volunteers will attend a meeting prior to the start of the GTG theatre program to be updated on our Child Protection Policy and Child Safeguarding Statement.

ALLEGATIONS AGAINST AN MEMBERS/ VOLUNTEER

An allegation of abuse may relate to a person who works with children who has:

- Behaved in a way that has or may have harmed a child/young person;
- Possibly committed a criminal offence in relation to a child/young person;
- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person;

- Behaved in a way that is contrary to the organisation's code of behaviour for workers and volunteers;
- Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a member/volunteer in your organisation you must ensure that everyone involved is dealt with appropriately and in accordance with the organisation's guiding principles and child safeguarding procedures, the rules of natural justice and any relevant employment law. The organisation has a dual responsibility in respect of both the child/young person and the member/volunteer.

There are two separate procedures to be followed:

1. The reporting procedure to Tusla in respect of the child/young person and the alleged abuser;
2. The procedure for dealing with the member/volunteer by GTG.

The priority is to protect the child/young person while taking account of the volunteer's right to due process.

- The agreed reporting procedure should be followed by mandated persons and/or the DLP.
- When an allegation is made against a member or volunteer, a quick resolution should be sought for the benefit of all concerned.
- The procedures for dealing with allegations of abuse against members/volunteers should be objectively applied in a consistent manner.
- All stages of the process must be recorded.
- Care must be taken by the committee to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.
- Close liaison should be maintained between the DLP and Deputy DLP, and Tusla and An Garda Síochána (where appropriate).

Reporting allegations of abuse made against members/volunteers to Tusla

The agreed reporting procedure should always be followed by mandated persons and/or the DLP. In addition:

- The Chairperson must be alerted to the allegation by the reporter, whether mandated person or DLP;
- The first priority is for the safety of the child/young person; management must make sure no child or young person is exposed to unnecessary risk;
- Parents/guardians should be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made. Tusla's National Policy and Procedure for Responding to Allegations of Abuse and Neglect will be applied by Tusla when assessing allegations of abuse made against workers or volunteers.

Internal personnel procedures for dealing with the member/volunteer

GTG's disciplinary procedures should ensure that fair procedure is followed.

- In making an immediate decision about the volunteer's presence in the organisation, the DLP/Deputy DLP should as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person; 'protective measures' do not presume guilt.
- The DLP/Deputy DLP should privately inform the volunteer that an allegation has been made against him or her and the nature of the allegation.
- The volunteer should be afforded an opportunity to respond. The DLP should note the response and pass on this information if making a formal report to Tusla. The volunteer should be offered the option to have representation at this stage and should be informed that any response may be shared with Tusla.
- While Tusla will provide advice and consultation with regard to risk to children/young people and can be sought from the local Tusla social work office
- The DLP/Deputy DLP should ensure that actions taken by GTG do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána. The GTG should liaise closely with the investigating bodies to ensure this.
- The requirements of fair procedure and natural justice mean that Tusla usually will not share the detail of any assessment regarding allegations of abuse against a volunteer until the volunteer has had an opportunity to fully respond to the allegation and any findings and decisions of Tusla.
- Disciplinary procedures should be followed by the organisation.

CODE OF BEHAVIOUR

- All volunteers of Glengarriff Theatre Group will make themselves aware of GTG's Constitution, Operations and Procedures, ethos, and must be familiar with the Child Protection Policy and Safeguarding Policy and sign up to each of these
- Parents/Guardians of children will be informed of our Child Protection Policy and procedures
- GTG has appointed a Designated Liaison Person (Relevant Person) to deal with any complaints or issues arising which concern the safety or welfare of any child / young person (see above for identity of the Designated Liaison Person). This person is appropriately trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse.
- Members and Volunteers of GTG show respect and understanding for the rights, safety and welfare of the children and young people
- GTG has put in place a complaints procedure, known as the Complaints Policy.
- Volunteers will avoid working in isolation with children and favoritism.
- GTG respects and promotes the principles of equality and diversity and works with all children in a culturally sensitive way within the context of the Irish Constitution and law and the UN Convention on the Rights of the Child.

Appendices:

Children First: National Guidance for the Protection and Welfare of Children
http://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

Our Duty to Care. https://www.tusla.ie/uploads/content/our_duty_to_care.pdf

Appendix 1:

What is the threshold for making a mandated report?

As a mandated person, under the legislation you 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, to the Authorised Person within Tusla.

Definition of Harm:

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.

“Harm” means, in relation to a child:

- a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or
- b) sexual abuse of the child

NEGLECT

Neglect is defined as ‘to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care’. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

EMOTIONAL ABUSE/ILL-TREATMENT

Ill-treatment is defined as ‘to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated’. Emotional abuse is covered in the definition of ill treatment used in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

PHYSICAL ABUSE

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of

being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

SEXUAL ABUSE

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015.

Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 3 of Children First: Guidance for the Protection and Welfare of Children.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers.